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PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, SECOND SESSION

SENATE—Wednesday, July 27, 1994

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable FRANK R. LAUTENBERG, a Senator from the State of New Jersey.

PRAYER

The Reverend Dr. William D. Watley, St. James AME Church, Newark, NJ, offered the following prayer:

Let us pray:

O Lord, our Lord, how excellent is Your name in all the Earth. You have said in Your word:

"I am about to create new heavens and a new Earth; the former things shall not be remembered or come to mind * * * No more shall there be in it an infant that lives but a few days, or an old person who does not live out a lifetime; for one who dies at a hundred years will be considered a youth, and one who falls short of a hundred will be considered accursed. They shall build houses and inhabit; they shall plant vineyards and eat their fruit. They shall not build and another inhabit; they shall not plant and another eat; for like the days of a tree shall the days of my people be, and my chosen shall long enjoy the work of their hands. They shall not labor in vain, or bear children for calamity; for they shall be offspring blessed by the Lord and their descendants as well."—Isaiah 65:17, 20-23 NRSV.

God, we pray that Your vision for Your people will become our vision as well. We pray that we will understand our role and responsibility in making that vision our victory. Save us from cynicism that would categorize Your vision as rhetoric and not reality, as promise but not practical, and as a way we should live instead of the way we can live.

Thus we pray for humility to use power. We pray for principles that are so deeply-held that they override personal differences and overrule political expedience. We pray for the courage of our convictions and for faith that overcomes fear. Above all, we pray that we shall never forget that, beyond our

constituency, we are accountable to You, our Creator, for our actions.

God of our weary years, God of our silent tears

Thou who hast brought us thus far on the way,

Thou who hast by Thy might led us into the light,

Keep us forever in the path we pray.

Lest our feet stray from the places our God where we met Thee,

Lest our hearts drunk with the wine of the world we forget Thee

Shadowed beneath Thy hand, may we forever stand.

True to our God, true to our native land.—

"Lift Every Voice and Sing," (African-American National Anthem), James Weldon Johnson.

In Your name and through Your grace, do we pray. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, on July 5, I wrote a letter to each Member

of the Senate setting forth the schedule for this legislative period. In that letter, I stated that the education bill, a bill entitled "Improving America's Schools Act of 1993," would be a legislative priority and would be brought up during this legislative period. On July 12, I read that letter and had it placed in the CONGRESSIONAL RECORD. I also on that day placed in the CONGRESSIONAL RECORD a list of legislation which I intended to bring before the Senate during this legislative period, and that list included the education bill.

On July 21, I met with the Republican leader to discuss the schedule for this legislative period. During that meeting, I informed him that I would proceed to the education bill during this legislative period and probably sometime the following week, which is, of course, this week.

On July 25, this past Monday, the Senate began consideration of the Interior appropriations bill, and at my direction my staff notified the Republican leader's staff that the next legislative item would be either the education bill or the VA/HUD appropriations bill.

Therefore, Mr. President, each Member of the Senate has been on notice for several weeks that I would bring before the Senate the education bill, and that notice has taken several forms and been repeated over several weeks.

On yesterday, last evening, at my direction, my staff notified the Republican leader's staff that, having discussed the matter with the several chairmen involved in the various bills remaining, I concluded it would be best to proceed to the education bill today.

Accordingly, Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar Item 495, S. 1513.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Mr. COCHRAN. Mr. President, I rise to reserve the right to object because I have been advised that there is a Senator on this side of the aisle who would like to speak on the motion to proceed to the consideration of the bill. I have not been advised how long the Senator would like to speak or for what purpose except to speak on the motion to proceed.

So I would hope, if the majority leader could, he would consider laying the motion before the Senate and our proceeding to discuss that, and then at some point it is my hope that we will be able to proceed to the bill.

As the majority leader knows, I helped craft some of the provisions of this bill with members of the committee. I would like to see the bill taken up. Therefore, I have no personal objection to proceeding to consideration of the bill this morning, but I am constrained to object if the unanimous-consent request is put before the body.

Mr. MITCHELL. Mr. President, I appreciate the Senator's comments, and I understand the position in which he finds himself. I wish to make an inquiry of the Senator regarding the length of time involved.

Last evening, I indicated that it was my intention to make this motion at 9 a.m. today. We were asked by our Republican colleagues in order to accommodate one Senator—I assume the same Senator—if I would wait until 9:30, which I agreed to do—now waited until 9:40—and I inquire of the Senator whether he has any knowledge as to when we might be able to get a decision in that regard. I am perfectly prepared, as the Senator knows, to accommodate a Senator's wishes and schedule in that regard, but it would be helpful to me if I had some idea of when these events might occur.

Mr. COCHRAN. Mr. President, if the Senator will yield, I can say that I am told the Senator who wants to speak is on his way to the Capitol and would like to have the opportunity to speak. I do not know when he will arrive or how long he will speak, so I cannot answer the question about at what time we would proceed to consider the bill under the unanimous-consent request.

Mr. MITCHELL. Mr. President, I regret very much the objection to the unanimous consent request. The only effect of this, of course, is to cause delay of the Senate's actions and to mean that at some later time this evening or Friday we will be in session longer than otherwise would be the case.

IMPROVING AMERICA'S SCHOOLS ACT

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, for the reasons stated—and I understand the Senator's reasons—objection has been made to the unanimous consent

request, I now move to proceed to order No. 495, S. 1513, a bill entitled "Improving America's Schools Act of 1993."

The ACTING PRESIDENT pro tempore. The question is on the motion.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope that the debate on the motion to proceed will not inconvenience Senators who would like to proceed to consider the bill. But at this point, because there is a request for an opportunity to speak on the motion, my intention would be to suggest the absence of a quorum unless there are other Senators who do want to speak to the motion. I could certainly speak to the motion myself because I think we should proceed to the consideration of the bill and I will vote in favor of the motion when the motion is put to the Senate.

So I will be happy to yield the floor for that purpose. But I will not be able to consent to a vote on the motion now without the Senator who wants to speak being given the right to speak on the motion.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I am prepared to wait a reasonable period of time for any Senator to appear. I have never failed to accommodate a Senator in this regard, and I point out that I have already acceded to one request to delay this matter at the Senator's request. But I am in a position where, without any assurance of when it might occur, I feel the necessity of setting forth some kind of time period within which we will either have a vote on the motion to proceed or a procedural vote to compel the attendance of Senators.

I recall, humorously—the Senator said the other Senator is on his way to the Capitol. I recall once when Senator Baker was majority leader that a Senator called him and said, "Could you hold the vote? I am at the airport. I am on the way." He agreed to do it. Only later did he find out that he was at the airport in Philadelphia on the way. I know that is not the case here.

But I have no objection to a quorum call, unless the Senator from Massachusetts or the Senator from New Jersey wishes to speak. But I will say to the Senator that I am perfectly prepared to accommodate a Senator within reason. But if no one shows up in the near future, this is time when we could be working—instead we are just doing nothing—and I will make a motion to instruct the Sergeant at Arms to request the presence of absent Senators. But I will discuss it with the Senator and with the Republican leader's staff for a reasonable time.

I just want to repeat that every Senator has had nearly a month's notice of intention to proceed on this bill, in-

creased regularly over the past several days, as I earlier stated, and we are going to do the bill. It is inevitable. The question is when we do it. And the more often we end up not doing anything in the morning we end up doing it at night, which I personally do not think is a good practice. But it is something we are forced into because of actions like this.

But I will yield the floor, and I assure the Senator I will not seek a vote on the motion or move to do a procedural vote without further consultation with the Senator and with the Republican staff so as to try to again accommodate the Senator involved.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be my intention, since it certainly appears that we will be debating this issue during the course of today and whatever time it takes to complete action, to outline the legislation itself, and I invite my friend and colleague, the chairman of the Education Committee, Senator PELL, Senator KASSEBAUM, and others to do likewise so that we will be prepared to move ahead with the amendments at the earliest possible time when we actually get onto the bill.

I see the Senator from New Jersey. I am glad to yield the floor for a question.

Mr. LAUTENBERG. I appreciate that. I would like, if I may, to make a statement regarding the Chaplain's prayer this morning.

Mr. KENNEDY. I am glad to yield for that purpose.

THE PRAYER

Mr. LAUTENBERG. Mr. President, if the Senator from Massachusetts will indulge me, I do appreciate it—and my colleagues also—because this morning we had an opportunity to hear from the Reverend Dr. William Watley, who is the pastor of the AME St. James Church in Newark.

As we heard from the guest chaplain's prayer this morning, he is a man of deep thought and interest in serving our constituents. I thought it was a particularly good message in this body to remind us. If I may just extend the chaplain's remarks a little bit to say kind of "get on with your business." I am hoping that we will do just that this morning.

Dr. Watley has a significant parish of over 3,000 members. He is someone who has taken time in his life to get the kind of education that prepares him so well for his assignment as a leader in the community, not just religious, but also on the activist side.

What he has done in a city deeply troubled by lack of resource, lack of opportunity, is to try to bring some

light into that sea of darkness. He holds his church out as a place where people can gather, where people can learn. He is trying to build a school. He has never let up on his belief that the community can be a better place to live.

So I am delighted that we had a chance to hear from the Reverend Dr. Watley, and to wish him well and to commend to all of my colleagues in the Senate to take a minute, if they have not heard his prayer this morning, to read it.

I thank my colleague from Massachusetts once again for the courtesy extended to me.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Doctor, we welcome you, and we thank you for joining us here, and for that important ceremony.

We appreciate very much the remarks of the Senator from New Jersey.

IMPROVING AMERICA'S SCHOOLS ACT OF 1993

MOTION TO PROCEED

Mr. KENNEDY. Mr. President, in a hopefully short period of time we will begin action on the reauthorization of the Elementary and Secondary Education Act.

It is not an overstatement to say this is the most important reauthorization in this legislation's history. Our Senate bill incorporates many of the excellent proposals sent to us by President Clinton, and it reshapes the manner in which the Federal Government supports public schools across the Nation. It authorizes \$12.5 billion next year for support for local schools, and \$60 billion over the next 5 years.

At the same time, the committee bill recognizes the need to simplify the current programs within the overall framework of the Goals 2000 education reform legislation that we enacted at the end of March.

At the heart of both Goals 2000 and the pending bill is one clear idea. American students—all students, including those with few advantages—can meet high standards of learning if we commit ourselves to the task and if all levels of government—Federal, State, and local—coordinate their efforts.

S. 1513 has broad, bipartisan support. It passed the Labor and Human Resources Committee on June 15 by a vote of 16 to 1. Since that time my colleagues and I have worked to incorporate changes important to both sides of the aisle. It is gratifying that in bringing this measure before the Senate, Senator PELL and I have the strong support of both Senators KASSEBAUM and JEFFORDS, and other Members who have made important contributions to the legislation.

Since the last reauthorization in 1988, over 20 reports on ESEA have been

commissioned by the Department of Education. Five major independent studies have been completed. S. 1513 reflects nearly all the recommendations of those reports and commissions.

It also reflects what we were told by the witnesses at the 12 hearings we held on this measure in the Subcommittee on Education.

One of our most persuasive witnesses at the hearing was Gary Hocevar, a former State legislator who is now the principal of the Van Buren Middle School, an award-winning school that serves a very diverse group of students in Albuquerque, NM.

Mr. Hocevar, who is active in the National Urban Reform Network, told us:

You have the opportunity to craft ESEA and other child-related initiatives in ways that actually support, rather than hinder, the day-to-day efforts of front line pioneers. *** If you take this opportunity, our progress will be the mark of your success.

We have heard Mr. Hocevar and thousands of others across the country who are the frontline pioneers—principals and teachers charting a new course, working with students every day.

S. 1513 is based on six principles. First, schools should not hold disadvantaged students to a different, lower standard from the standard they apply to other students in their school. S. 1513 requires States to develop standards in at least reading and math for use by all students in the State, including title I students. We also require new assessments that measure the progress of students in reaching those standards, and these assessments have to be the same for everyone. The days of special, dumbed down tests for low-income pupils are over.

At the same time, we are not dictating to States what standards they should have and what tests they should use. Each State will develop their own performance standards and test students using a broad range of assessment tools.

Second, S. 1513 increases support for the schools that need it most. Without drastically reducing chapter 1 funding to affluent districts overnight, we target new money to the neediest schools so that they can undertake major reform projects. Research is very clear that low-income students attending schools with high concentrations of poverty learn the least. The committee formula weights students according to the concentration of poverty in their districts. With insufficient dollars available to serve all students, it is essential to serve those who need help the most.

Third, the bill recognizes that schools need more flexibility to consolidate funds from small programs so that they can design comprehensive, coherent reform plans. Today, Federal assistance under ESEA is splintered into dozens of different programs, each with its own limitations and require-

ments. As a result, it is difficult for Federal aid to be used to fund the kind of large-scale innovative programs that schools so urgently need.

The bill also amends the General Education Provisions Act to streamline the waiver process, so that it is easier for States and school districts to receive waivers from Federal regulations to carry out their reform plans and use Federal dollars more effectively.

In addition, under the bill, we will no longer have federally designed reporting requirements for title I. Instead, we allow States to differentiate themselves. Each State will choose or create its own assessment to measure the progress of its students. Each school district will use its State's assessment, but it can also add its own measurements if it chooses.

Fourth, we have amended chapter 1 so that more students will stay in their regular classrooms. Most chapter 1 programs pull students out of their regular classrooms to attend special supplemental courses.

This pull-out approach was intended to ensure that chapter 1 funds are targeted only to needy students. But it has also created a new kind of segregation in our schools, isolating disadvantaged students from their peers and condemning them to a second-class education.

While these students are attending special courses, they are missing the more interesting and demanding work their classmates are doing. Research indicates that disadvantaged students actually learn more effectively when they are held to the same high standards as all students.

S. 1513 changes the percentage of eligible students needed by a school in order to serve all the students in a school from 75 to 30 percent. Thirty percent is the point where research shows that the concentration of poverty affects student learning. To ensure accountability, to make sure that disadvantaged students are still helped, and to prevent the funds from going into swimming pools and sports equipment, we require schools to pull out the test results or title I eligible children, so that their parents and all of us can make sure they are being served and are making progress.

Fifth, the bill invests more in the Nation's teachers. It makes no sense to provide Federal aid for education, if we neglect the single most important component of any education program—the teaching.

The bill contains two main provisions for teacher development:

The Eisenhower Math and Science Program and the chapter II Block Grant Program become a new Eisenhower Professional Development Program authorized at \$800 million a year. The funds will be available to each State and school district for professional development only.

Each school must set aside 10 percent of its title I funds for professional development activities. Teachers across the country have told us that they need time to work together and to find new ways to help students reach higher standards. This provision will guarantee that funds are available at the school level for them to do so.

We have also created a small demonstration program at the national level to enable the Secretary of Education to develop a few model programs for the organizational arrangements and investments that will be needed if higher standards and assessments are to lead to improved outcomes for all students. These demonstration projects will combine the preparation of new teachers with ongoing professional development activities in schools.

Sixth, the bill invests in education technology. New technology is transforming all sectors of our economy, from health care to manufacturing to retailing, yet most classrooms lack even a telephone, let alone a computer. If students are to acquire the skills they need in order to function effectively in today's high-technology workplace, we must give them the opportunity to work with technology in the classroom.

Title III of S. 1513 is the Education Technology Program that Senators BINGAMAN and COCHRAN and I sponsored to help the poorest schools pay for new computers, electronic network links, and teacher training in technology. It will provide technical assistance to the schools, and encourages development of new educational software and programming.

Finally, S. 1513 includes provisions that will make it easier for schools to coordinate health and social services for their students. If a local education district chooses, it can use title I funds for this purpose. Education can help offset poverty, but schools cannot do the job alone. They must have help from others in the community. Under this legislation, schools can use title I funds to make it easier for agencies and health centers to coordinate their efforts with schools, so that more students can be served.

The bill also places a great emphasis on making schools safe. It is our intention that funds in title V, the Safe and Drug Free Schools Act, be used for violence prevention as well as drug prevention. These two problems are often interconnected. By acknowledging that fact, we hope to give schools support for making classrooms more effective places in which to learn.

S. 1513 continues many specific programs designed for specific purposes and for particular students. Because of the budget freeze and the need to emphasize new approaches, the administration had proposed to eliminate many of these programs, even though

some of them were very successful and served students well. Among those programs, for instance, are measures to increase the achievement of girls and women in our classrooms, the Woman's Educational Equity Program. Last week, I was very proud to be the Senator from Massachusetts, the State that was home to two of the six members of the victorious U.S. team in the International Mathematics Olympiad. Two of our students, Noam Shazeer from Swampscott and Jonathan Weinstein from Lexington each received a perfect score, and helped the United States to defeat students from 70 countries. Without detracting from their great achievement, I hope very soon we will have a Norah and a Jennifer on our team as well as Noam and Jonathan. The committee chose to preserve many of these programs, but we are continuing to explore various alternatives.

This legislation is among the most important measures this Congress will consider. Public education in America is in more trouble than any of us like to admit. A system that has served this country so well for so long needs far-reaching reform. Like health care reform, the challenge is complex, with no easy answer. The Improving America's Schools Act, S. 1513, is an important part of the answer.

Mr. President, finally, I hope that our colleagues will look at the totality of what we on our committee, in a bipartisan way, have tried to do in terms of the areas of education and investing in our children. We have extended the Head Start Program to provide help and assistance to expectant mothers. The extension of the Head Start Program of the zero to three will help those young individuals to begin to build some self assurance and self confidence and help them in terms of developing problem solving skills.

We have tried to bring about a greater flexibility in the chapter 1 program, give greater flexibility at the local level, and still try to balance and make sure the funding was going to be provided in the areas where there is the greatest need in terms of young children who are disadvantaged.

We also see our Goals 2000 to try and find a bottom-up forum with support coming from the top, so we are going to be able to get the education reform that is generated at the local level from the school and school districts that are really going to establish and raise that bar in terms of the education standards and challenge the young people in our country.

We have also seen that this is not unrelated to the Community Service Program that also is being developed within our school systems in terms of the Serve America Program that has the component of a program developed by students that has an educational component and also sees that the commu-

nity can get the seed money in order that young people are going to be able to serve their community and try and help and assist many of their colleagues.

The Community Service Program, that is an outreach program, has many different features to it, but one of them is to try to route and enroll 400,000 young Americans who drop out of schools every year and be an additional kind of net to try to bring them back into the system, both in terms of their educational development and also in terms of the service to the community.

There are the actions that we have taken at higher education to move toward the testing in terms of the direct loan program and also on a tuition contingency income payback to permit young people not just to be driven to the higher price or higher wage professions but also to be able to fulfill their own ideals if they do so want to be of service to the community and also the School-To-Work Program to try to help and assist those 65 percent of our young people who are moving out of high school to move them into the private sector and in a more competent way that will give them a greater opportunity in terms of the future.

All of these components really are part of a total kind of this Nation's commitment in terms of the investment in the children of this country, and this element in terms of the reauthorization of the chapter 1 program is a natural key element. It is really in many respects a building block because all of us have come to the recognition that the earlier kind of intervention and involvement is absolutely key in terms of the young people's development and evolution.

So this is an extraordinarily important piece of legislation. It is, as we have indicated, under the leadership of Chairman PELL in that subcommittee. It was virtually a unanimous vote of Republicans and Democrats alike. Now we had the strong bipartisan, the overwhelming majority of the Members of the committee, in reporting to this body.

So we all are grateful to our Members, grateful to the excellent work that so many of our staffs have provided, and I will mention more about that later as we move forward.

I certainly hope that we will move. I know that there are matters which will be debated. I am grateful for those Members who have indicated that they will offer amendments.

At the opening session now we are inviting those Members who will have amendments to notify us at the earliest possible time so that we can give them the consideration and try to work with those Members where possible to respond in a positive way, if possible, to recommendations and suggestions.

This has been an evolving process. We had evolution in the development

of the program in the subcommittee, in the full committee, and also great work prior to the time that we have reached the floor, a very constructive period of time that we have worked with our colleagues. And I am very, very hopeful that we can continue that spirit as we go on through the course of the debate.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Massachusetts for the kind words, and my colleagues for permitting me to go ahead.

Mr. President, few things in life are more important than the education of our children. They are the living legacy we will leave behind, and the quality of the education we provide will in no small measure determine the future health and strength of the American Nation.

For over 29 years the Federal role in education has been a small, but extremely important one. We have sought through the title I Program, for example, to help fashion a level playing field upon which all children have the opportunity to learn. Our efforts have been focused, and targeted particularly upon the educational needs of children from less well off families.

In the past we have sought to ensure that children in need learn the basic skills they must have in order to function well in our society. Unfortunately, in today's society, as important as the mastery of basic skills is, it is not enough. We must make sure that children in need are taught to the same high academic and performance standards as other children. We must do what we can to ensure that American education, overall, is an education of excellence. In essence, that is the thrust of the reauthorization bill we have before us.

Early in the reauthorization hearings, I said from a Federal perspective, the Goals 2000 legislation set the stage for education reform, but the play would be acted out in this bill. I believe that statement when I originally made it, and I believe it to be even more true today.

This is a \$12 billion reauthorization. In program after program, in provision after provision, we state in clear and unequivocal language that we expect all children to be taught to challenging State academic and performance standards. We expect new and better assessments that measure complex skills, emphasize written work, and serve important diagnostic purposes. Forty-four States are already putting such standards and assessments into effect, and others would undoubtedly soon follow.

In short, we want American education to be an education of excellence and second to none in the world. Given

the current state of American education, that is a massive undertaking. I believe deeply, however, that we should not and, indeed, cannot shy away from that challenge. The education of our children demands that we do no less.

While we expect all children to learn to challenging State academic and performance standards, our concern at the Federal level is that children who are less well off also do well and do not get lost in the shuffle. This is a special Federal responsibility. While the Federal contribution to education is small, its contribution to the education of poor children is very significant. It may be only 62 percent, but it has a very real impact. Today, over two-thirds of all of the money spent on compensatory education for poor children comes from the Federal Government.

In some areas, such as dropout prevention, bilingual education, magnet schools, gifted and talented education, and women's educational equity, we focus on special populations, but we do so within the context of high expectations of all children. In other areas, such as professional development, safe and drug free schools, and educational technology, our concern is an overarching one. We want the school to be a safe haven for learning, one in which teachers and staff are constantly upgrading their skills and knowledge, and one where all have access to and an understanding of state-of-the-art methods of learning.

Throughout this legislation we also place a new emphasis on involving parents in the education of their children. Parents need professional development as much as teachers and staff do. We must have ways of more effectively involving the parent in education. Sometimes this will mean helping the parent learn. At other times, it will mean showing the parent how they can help their children learn. Often it will mean bringing the parent to the school in conferences with teachers and staff. Sometimes it will mean bringing teachers and staff to the home to meet and confer with parents. But no matter what, I believe we all agree that more intensive parental involvement in education is an absolute necessity.

We also focus upon several special areas where we believe there is considerable merit for special programs. Through Arts in Education and the Cultural Partnerships for At-Risk Youth, we seek to bring the rich benefits of the arts and humanities into our children's education. Through "We the People," "Close-Up," and the mock-student parent election, we seek to improve the understanding of our system of Government and how it works. Through professional development we seek to improve the quality of the teaching, administrative and support staff in every school in America.

In no area is our work more important than in title I, by far the most important program in this reauthorization bill. Here we seek to ensure that high academic and performance standards are brought to all children, but we pay special attention to making sure that less well off children, the very children who have been the focus of this program since its inception 29 years ago, receive the same high quality instruction as other children.

In title I we also include a special emphasis on professional development because we recognize that a good, strong education relies upon good teachers and staff, and the meaningful involvement of parents.

We also target funds more precisely than we have ever done before to make sure that those districts and schools that need the help most get that help from the outset.

We not only make adjustments to the Orshansky formula but also add new incentives linked to effort and equity. The effort incentive recognizes States that place high priority on education. The equity incentive, which grew out of the school finance hearings held by the subcommittee, recognizes States that have brought an important measure of equity to their education spending.

I would be the first to admit that the formula is not perfect. It is, however, well-balanced and I believe fair. No State loses, and while some States may gain more than others, the gains are reasonable and justifiable.

In State after State, in district after district, and in school after school, the winds of education reform are sweeping our country. What we have sought to do in this legislation is fashion Federal programs that spur, respond to, and aid reform. Equally important, we have sought to accomplish our objectives under the umbrella of bipartisanship that has traditionally been the hallmark of education legislation. This legislation has been approved by both the Education Subcommittee and the full Committee on Labor and Human Resources with only one vote in opposition.

Mr. President, all Members of this Chamber share a common concern—we care deeply about the education of our children. That concern is the hallmark of this legislation, and because of that, I believe it merits swift consideration and passage.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I stated earlier, I have given notice over several weeks, in writing and orally here on the Senate floor and printed in the CONGRESSIONAL RECORD, that we would be proceeding to this bill during this period of time.

Last evening, I expressed my intention to attempt to proceed to the bill

at 9 a.m. this morning. I was then asked by our Republican colleagues to wait until 9:30, to accommodate a Republican Senator. I agreed to do so.

At 9:30, I was then asked again by our Republican colleagues to wait until 10 to accommodate a Republican Senator. I agreed to do so.

It is now 10 past 10 and I have just been advised that we can have no assurance as to any time on this matter. Therefore, we are in a position of not being able to proceed to the matter because of a delay and I can have no assurance as to the period of that delay; that is to say, I am told there is going to be, apparently, an indefinite delay.

Therefore, I have no alternative but to do that which I indicated earlier I would do.

I will shortly suggest the absence of a quorum. I will then ask for a recorded vote on a motion to have the Sergeant at Arms request the presence of absent Senators. And I will, as soon as I can get the signatures on a motion, file cloture to bring this to a close.

We have to have this matter resolved one way or the other. We are now in a position of doing nothing and we cannot get any assurance as to when we may be able to do something.

Therefore, under the circumstances, no alternative is left to me but to proceed in the manner which I have suggested.

I will state that after the vote on the motion to request the presence of absent Senators, if no one is here debating the motion and in effect filibustering, then we are going to have the Chair put the question. I want every Senator to have ample notice of that before acting in that regard.

So, as soon as the vote on the motion to proceed is over, if no Senator is present to filibuster, then we are going to have the motion put.

QUORUM CALL

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Jeffords	Kohl	Pell
Kassebaum	McCain	
Kennedy	Mitchell	

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—77

Akaka	Exon	Mathews
Baucus	Fetngold	Metzenbaum
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Moynihan
Boren	Gorton	Murray
Boxer	Graham	Nunn
Bradley	Gregg	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Hollings	Riegle
Campbell	Hutchinson	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kennedy	Shelby
Coverdell	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Thurmond
Dole	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wofford
Durenberger	Lugar	

NAYS—20

Bennett	Helms	Murkowski
Breaux	Kempthorne	Nickles
Brown	Lott	Pressler
D'Amato	Mack	Smith
Faircloth	McCain	Specter
Gramm	McConnell	Wallop
Grassley	Moseley-Braun	

NOT VOTING—3

Craig	Dodd	Harkin
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So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. We cannot proceed until the Senate is in order. Conversations will cease.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 1513.

Mr. HELMS. Mr. President, I cannot hear.

The PRESIDING OFFICER. S. 1513.

Mr. HELMS. I suggest the absence of a quorum until you can get order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the motion to proceed. Is there debate?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, we are in the process of debating a motion to proceed to a bill which, obviously, is an important bill. Clearly, it is a bill in which many Members of the Senate are interested. But it seems to me that there are a lot of other issues that are more important.

When we have a great debate going on in the country on health care, when we have buses running up and down the road urging people to support the President's health care plan, and when people ask, "Well, which health care plan?" and supporters of the President's plan say, "Well, not the old health care plan, but a new health care plan"—yet there is no new health care plan—it seems to me, Mr. President, that we have reached the point where we are no longer talking about a health care debate; we are talking about an agenda. And the agenda, it seems to me, is to pass any health care bill rather than trying to deal with a specific set of problems.

The point I wanted to make today, while everybody is deciding what they are going to do about the education bill, is the following: before we all get into a political debate, I think it is very important that we define what we are trying to do.

I think it is very important that if the President, who has a bunch of people in my State today going in all kinds of directions but generally in circles, wants to ask people to vote for his new health care plan, even though the American people in overwhelming numbers have rejected the old health care plan, I think it is incumbent on the President to tell people what this new health care plan is. How does it treat working Americans? Does it force people to give up their health insurance and to buy health insurance through a Government-run cooperative? What does it do in terms of taxes? Does it tax health insurance benefits, as the Finance Committee bill does?

As many of my colleagues are aware—and I am not sure all are—the

Senate Finance Committee bill imposes two new taxes on health insurance benefits; one, an across-the-board tax that will tax every premium paid by every American for private health insurance, and then another tax, a 25 percent tax, that will be imposed on the 40 percent of American families that have the best private health insurance.

Mr. WALLOP. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. WALLOP. I noted that the Senator referred to the Senate Finance Committee bill. Has that finally been reduced to print so that other people can see it, or are we still talking about this fantasy that was marked up in the Finance Committee and turned over to the staff to turn into bill language while we went on a holiday, and now that is not going to be any good because we are told that the majority leader and others are crafting a bill behind closed doors in secret? Has the Senator seen a plan, a bill from the Finance Committee?

Mr. GRAMM. Well, the distinguished Senator is a member of the Finance Committee.

Mr. WALLOP. That is why I asked, because I have not seen it.

Mr. GRAMM. I do not have the privilege to serve on that committee, and therefore I did not have an opportunity to see if in fact there was real language. I had heard that there might be a bill, though according to press reports, it looks as if the committee just voted on concepts.

My point is this: We cannot enact concepts. We have to debate what the President proposes. We have people running up and down the highway in buses saying, "Vote for the President's health care plan," yet the President cannot tell us what the plan is. When the President has had a year and a half to convince the American people that his health care plan was good, he cannot claim he failed because he did not have a big megaphone. He has not failed because he is not a great salesman. He has not failed because the First Lady is not a great saleslady. He has failed because he has a bad product. He has failed because he has been unable to convince the 85 percent of Americans who have private health insurance that they should lose their health insurance and be forced to buy health care through a Government-run collective in order to help the 15 percent who do not have it.

My point is this—

Mr. WALLOP. Will the Senator yield for one last question?

Mr. GRAMM. I will be happy to yield.

Mr. WALLOP. If it does in the course of the day or sometime soon happen to befall to the Senator that he comes across the Senate Finance Committee plan in bill language, I would hope the Senator would share it with the rest of

the Senate. We are going to be asked to go to debate next week and we have not the foggiest notion what we are going to debate, except the bill we are being asked to debate is being crafted behind closed doors.

A seventh of the American economy is being crafted behind closed doors, in secret, and we are going to be asked to make decisions that affect the lives and times of individual Americans, groups of Americans, elderly Americans, young Americans, healthy and infirm, without having the foggiest notion what that is.

The Finance Committee does not have a bill, and if the Senator comes across it, share it with the Nation, because most of us are going to want to have something upon which to run our debate.

Mr. GRAMM. I would like to say, Mr. President—

Mr. KENNEDY. Will the Senator yield for a question?

Mr. GRAMM. I would be happy to yield.

Mr. KENNEDY. Just as a point of information. We have this legislation that was reported out 16 to 1, bipartisan, and it is enormously important to the school children in this country. I see a number of my colleagues on the Judiciary Committee, of which I am a member, that are now in the process of marking up the crime bill, as well as on the Armed Services Committee, that are present here. They were interested in addressing the issues which, hopefully, we will have before the Senate.

I am just wondering, inquiring of the Senator from Texas, whether he is going to permit us to get about the business which has been outlined by the majority leader, to permit us to begin the debate on the elementary and secondary education program which has bipartisan support.

Just as a matter of inquiry, I am wondering whether the Senator is prepared to proceed.

I would ask the majority leader and minority leader to designate some time, obviously, and, as he always has, to permit general comments on legislation and on the legislative agenda. But I am just wondering, since the principals are here, Senator KASSEBAUM and Senator JEFFORDS, who are cosponsors in support of the legislation, have not been able to speak to the legislation that we hope to address—Senator PELL and I have—just in the order of things I would like, as a point of information and courtesy to Members on both sides, to have some idea as to what the intentions of the Senator are.

Mr. GRAMM. Let me say to the distinguished chairman, I do not have a dog in this fight. I had understood there was an objection to proceeding to the bill. We have had a real dearth of morning business. Since we have all these bus riders pushing the Presi-

dent's plan—I hope they are buying Texas gasoline—I am getting all kinds of calls from my State from people asking what I think of the President's new bill. And I simply wanted to take this opportunity, while I assumed others were working out your problem, to express my concern that I am being asked to engage in a debate on a bill that I have not had an opportunity to see, and no one else has had an opportunity to see.

I was simply expressing, No. 1, frustration, and, number two, a growing conviction that what we have here is not a health care plan but an agenda. And the agenda is basically to try to pass any health bill because the President has gotten so far out on the limb on this issue. While it is clear that his initial idea has been rejected, rather than saying, well, maybe we ought to rethink this thing, maybe we ought to go back and look at some other ideas, and maybe we ought to come back next year and have a real debate on a real bill, what we are seeing is the promotion of an agenda.

Now, that is the point I wanted to make. But I do not have a dog in the fight on this bill. I just assumed others were negotiating, and since we have not had any morning business, I was simply trying to take this time, assuming others were working out your problem. But I am not your problem.

Mr. MITCHELL addressed the Chair.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. STEVENS. Does the Senator have the floor?

Mr. MITCHELL. Mr. President, there are no other negotiations, so the Senator's assumption is incorrect. And if he is not trying to delay this bill, might I ask if he would permit us to have a vote on the motion to proceed, and I will then ask unanimous consent that he can speak for 10 minutes on whatever subject he wants.

Mr. GRAMM. Mr. President, I do not object to a vote on the motion to proceed. I assumed that we had negotiations underway, and I simply was trying to speak on this subject.

Did the Senator from Alaska want me to yield for a question?

Mr. STEVENS. I would be pleased to be recognized in my own right before we are through.

Mr. MITCHELL. The Senator has that right.

Let me make clear, Mr. President, we are trying to begin debate on the elementary and secondary education bill. It was reported out of the committee by a vote of 16 to 1. I have given notice over several weeks of our intention to proceed to the bill.

We are being prevented from doing so by Senators who have objected to our bringing the bill up. We now have a motion to proceed to that bill before

the Senate. We will have a vote on it when Senators are prepared to do so. These talks merely delay the vote on it. Whether it is intentional or not, I do not know. That is the effect of the debate now going on.

Senators do have a right to debate it, of course, if they wish to do so. That is their right. But what it does is it prevents us from proceeding to the bill. It also prevents us from acting on other cases. The Senate is spending hours in the morning doing nothing other than delaying something, and then we have to be here in the evening voting. And Senators ask, "Why are we here in the evening?" Well, we are here in the evening because we are prevented from proceeding to legislate in the morning.

Certainly, Mr. President, the Senator from Alaska has the right, as does any Senator, to address the Senate on this matter.

Everyone should understand that we are now having a delay because of an objection by our colleagues to proceeding to the elementary and secondary education bill. I hope we can get to the vote on the motion to proceed promptly.

Mr. KENNEDY. Mr. President, I just remind our Members that even though there was an objection to proceeding, we were still moving the process ahead because we were addressing in the presentation the essential aspects of the bill.

I see Senator KASSEBAUM and Senator JEFFORDS, who I know want to address this as well. So the process was basically moving ahead as the objection, whatever that is, was going to be evaluated by those who are going to object to making some decision with leadership as to the manner in which we proceed.

So even though there has been some objection, we were at least moving the process of the debate and the discussion on this very, very important legislation.

So to the extent that Members can permit that process of the statements and comments prior to the time that the leader puts the question, I hope that we can have as much cooperation on this as possible.

I thank the Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have not objected to taking up the education bill, and I do not intend to do so. I do want to make a comment.

We had arranged for a series of special orders this morning to speak on other subjects. When I got home very late last night, I found a notice that it had been canceled. Some of us are very disturbed about the process on the health care bill. I am one. I have spent several days, as a matter of fact, going over some notes and looking into the history of the catastrophic insurance

bill that was passed and then repealed. I was prepared to make those comments.

I find, I think, on the part of some servants that we have here now, the fact that there is no regularity in really assigning the time for Senators to make short statements on subjects of great concern to us.

My State is probably more adversely affected by any of these health care bills than any other State. It is one-fifth the size of this Union, with about one person per square mile. When you look at that, and realize that over the last 3 years, we had a series of meetings in my State, and after all those meetings people asked me, "When you get the final version of the bill, will you come back and let us discuss that," that is the message I hope to present to the Senate when I get the time for a special order.

I am not going to do it now. But I do think we have to have some similarity in terms of when we can make statements on matters of great concern to our States.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, we are being asked to take up a bill with some 1,300 pages. The majority leader and the Senator from Massachusetts have just told us that this has been voted out, and has been—I think for 7 weeks—ready to go to the floor. That at least implies that Senators may have had a moment or two to look at it.

But the health care bill is going to be this size, Mr. President. We have not gotten it yet, and we are going to be asked to cram that in before an August recess. And it is going to affect more American lives than this will, and for a longer future than this will.

This is a very complex piece of legislation. I doubt that even its managers know each and every page of it. But at least it has been out for a time when people might have had an opportunity to examine it.

But the health care bill is being drafted behind closed doors. And it is going to be this size, and we are going to be asked to make judgments on behalf of the American people in a collapsed period of time, when Senators are anxious to go out and campaign, especially on that side, because of the trouble that is abroad in the land.

This is just not a very easy moment in time for us to understand why we are going to this when the health care bill continues to be promised and never shows up.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I would like to answer the Senator from Wyoming for a moment, if I may. It is daunting to look at this bill. But let me just say almost half of it is the proposed administration bill which has

been crossed out. And of course, this is now the committee substitute. So it is not quite as long as it might look, and you would need to go to page 452 before we start with the legislation under consideration.

Mr. WALLOP. The Senator makes my point; that I mean this is even shorter than the health care bill. We have 400 pages of it which are not relevant to us. But that still leaves 900 pages that are. I am saying that it has at least been around for 7 weeks, according to the majority leader. We would have at least less of an excuse for being daunted by it than we will by being daunted by a health care bill which is going to flop on our desks on Monday morning or Friday night, or some other day, and we will be asked to consider it. And it will have, I believe, far, far more effect on the lives of ordinary Americans, middle class and others, should that take place.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, all I would say to the Senator from Wyoming, and to others who are listening, is that the committee spent a lot of time looking at the reauthorization of the Elementary and Secondary Education Act, which has been in effect for some 30 years. I do not want to compare it to health care. That is not what I am engaged in at this moment.

Mr. WALLOP. May I say I am not comparing it to health care. I am comparing it to the process by which we are about to proceed. I am not standing in the way. I am perfectly willing to let us go to a vote.

But I will say, in answer to the Senator from Alaska, that one of the reasons these kinds of procedures are necessary is, frankly, because we were denied the opportunity to speak in normal routine morning business this morning, when that had been the view that some of us had before we went to bed last night.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am going to make some remarks that I would have made this morning had

there been a period for morning business. But I left here I believe when the distinguished manager of the preceding bill left. He and I were under the impression that there would be an opportunity to speak this morning. Then, when I checked the situation with respect to today's schedule, I found that there would be no time for morning business.

(Mr. ROBB assumed the chair.)

The majority leader is doing exactly what he said he would do for the record at the close of business yesterday. I am not concerned about that. But there were several of us who wished to talk about the health care matter. I had not proposed yesterday to speak long this morning, and I shall not. But I did want to make the point that in the debate thus far on health care reform, one solution has been given extremely short shrift. This is a solution that many businesses have already successfully used to keep their health care costs down and their employee satisfaction up. Of course, I am referring to giving individuals an incentive to spend health care dollars wisely. How is this being accomplished in many places across this country today? How do you accomplish it? You turn part of the savings over to the employees.

I know personally of several private companies that have used cash incentives and medical savings accounts to cut their health care costs while keeping employees satisfied with their health care.

One company that successfully has used this kind of incentive-based program cut its health care costs significantly. In 1992, Forbes magazine was spending \$2.3 million a year for health care insurance from CIGNA. This averaged about \$5,000 per employee. In an attempt to make employees more cost conscious, Malcolm Forbes, Jr.—better known to those of us who are his friends and claim him as our friend as Steve Forbes—decided to give his employees a bonus for not filing major medical and dental claims.

Steve Forbes brought the choice to his employees. If, during the year an employee kept to a minimum the number of claims filed with the insurance company, Forbes would pay the employee a bonus of up to \$1,200. Employees enthusiastically embraced this plan, and what do you know—insurance claims dropped dramatically. This year, while the premiums for other CIGNA clients rose between 21 and 25 percent Forbes' major medical premiums fell 17.6 percent.

Back in April, I invited Steve Forbes to come to Charlotte, North Carolina and meet with about 400 businessmen at a luncheon. I asked him to discuss, among other things, that health care plan operated by his company. And I know of 350 or 400 businessmen who are solidly sold on this plan because they now know that the lesson learned from

the Forbes example is that people can control their health spending if they get to keep the savings. It is pretty good discipline on the insurance companies as well. Of course, those who are really sick filed the necessary claims, and they received less of a bonus. Those who decide to pay out of pocket for routine health expenses rather than file claims—and that is a lot of paperwork—these people get the bonus at the end of the year that I referred to earlier.

So one of the things that ought to be injected into this discussion about health care—instead of running all over the country in buses—is consideration to this kind of common sense solution. All I have heard is a series of invectives accusing those of us asking questions as being "better off" in health care. Well, I will say to Mrs. Clinton that we have the same health care that she and the President have. I do not believe she would turn any of hers down, and I have not heard of the President turning any of his down.

But in the case of a Forbes company employee who regularly needs four different prescriptions filled, this has happened. As a result of Forbes' bonus program, this employee now has a reason to shop around for the best price for prescriptions. Before, he did not care. He did not give a hoot about how much a prescription cost because insurance paid for it. We all know that when insurance pays for every nickel and dime claim, we all pay in the form of higher insurance premiums—and lower wages, by the way.

Forbes is not the only company to benefit from an incentive-based program. Dominion Resources, which is a public utility very much in the news these days, is a public utility holding company in Richmond, VA. That company has also developed an innovative method of reducing its health care expenses. This method is called a medical savings account.

Here is how this MSA works: The employer—in this case Dominion Resources—buys its employees a health insurance policy with a high deductible.

This kind of policy has two beneficial aspects:

One is that it protects the insured against catastrophic health care expenses.

Second, it has cheaper insurance premiums because of the higher deductible.

The employer sets up a special account for each employee to pay for routine medical bills that the employee will now handle on his or her own. What the employee does not spend in this account, he or she gets to keep. This incentive encouraged 75 percent—three out of every four—of Dominion's employees to enroll in that high-deductible plan.

Guess what? Since 1990, Dominion's health care costs have risen less than 1 percent per year.

So, Mr. President, a lot of us are weary of hearing that the American people are not smart enough to spend their own money.

These two examples out of many prove that the employees are smart when given an opportunity, when given a choice.

It is tiresome to continue to hear this old "Government knows best" routine: We have to do this. We have to mandate that. We have to demand this. The President says that Government can make better health care decisions than the American people can, and I do not believe that.

Americans do not need a Government commission to make health care choices for them. Individuals should be free to make their own health care decisions, and any legislation that is passed by this Senate jolly well better give the beneficiaries a choice instead of saying, "You are mandated to do 'x,' 'y,' or 'z.'"

If we ensure freedom of choice, Americans can determine what is best for their families.

Now, the Forbes case and the Dominion Resources case, as I say, are only two examples of private industry taking the bull by the horns and coming up with health care solutions that work. These incentive-based solutions work for the company and they work for the employees. Gerald Musgrave, an economist, had this comment.

He said:

We have thousands of years of experience with how people handle their own money.

Why not let Americans continue to handle their own health care dollars and help them realize their role in cost savings. Time and time again, Americans have shown that they do make cost-conscious health care decisions when given a financial incentive to do so.

Mr. President, I ask unanimous consent that a recent Reader's Digest article further detailing both the Forbes and the Dominion Resources solutions to the high cost of health care be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERE'S HEALTH-CARE REFORM THAT WORKS

(By Rachel Wildavsky)

Each year the typical American business spends a whopping 12 percent more than it spent the year before to buy health insurance for its employees. No wonder employees—even those who are now well covered—are nervous. Will I still be covered in ten years? What happens if I lose my job?

One result is "job-lock"—employees who are not able to quit because they fear becoming uninsured. Meanwhile, U.S. businesses struggle under the insurance load, severely handicapped in increasingly competitive world markets. Employees are paid less, laid off or not hired in the first place. The result?

A loss of both jobs and opportunity for millions.

To many, rising health-care costs seem like an unstoppable upward spiral. Provoked by these fears, the Clinton Administration is drafting legislation to control costs through radical changes in the system, despite evidence that our health care remains the best and most versatile in the world.

Is such drastic change really necessary? Without any changes in the law, some companies have stepped off the health-care escalator, with no loss to their employees and even with some employee gain. Before we let the government take control of our health-care spending, we need to understand the solid, easy concept that worked for these businesses. If more broadly applied, the idea they used on a small scale could help rescue American health care from possibly dangerous "reforms." In the process, it could save big money and help expand health coverage to those now without coverage.

Cash Incentives.—At Forbes magazine, as at most businesses, major-medical insurance premiums are based in part on company claims submitted the year before. By the mid-1980s, a "good" year meant premiums rose only ten percent. In 1990, a bad year, they were up 30 percent. By January 1992 Forbes was paying \$2.3 million a year for health insurance—almost \$5000 per employee. Even though employees chipped in through payroll deductions, Malcolm S. Forbes, Jr., president and editor-in-chief of the family-owned business magazine, realized the situation couldn't continue.

Forbes knew he had to persuade employees to be more cost-conscious. The problem was that they had no incentive to do so. Like most Americans, their health care was paid for on a "use it or lose it" basis. There was no reason for an employee to make the effort to spend health-care dollars more carefully. So, Forbes figured, why not give employees a bonus for not filing major-medical and dental claims? Such a plan would hurt no one—health insurance would still be there. Sick employees could still use it, and he knew they should and would. The only penalty would be not getting the bonus.

In December 1991 Forbes offered its employees a deal: if, during the year, an employee filed major-medical and dental claims totaling less than \$500, Forbes would pay that person double the difference between \$500 and what the individual filed. Suppose an employee and his family had \$900 in medical expenses. If the employee filed them, the most the insurer could reimburse him would be \$900 minus his deductible and co-payments (the portion of the bill the employee is responsible for beyond the deductible). He would be out a few hundred dollars, and since his claims were over \$500, Forbes would pay him nothing.

However, if he filed no claims for those expenses, Forbes would give him \$1000. (Five hundred dollars minus zero, for no claims, comes to \$500; doubled, that \$1000.) This would put the employee \$100 ahead even after he paid his bills. To hammer the incentive home, Forbes would pay whatever taxes the employee owed on the bonus.

In other ways, employee's costs rose. Deductibles, for instance, came up from a maximum of \$300 to one percent of the employee's gross salary. Employees' contributions to their premiums also rose slightly.

Still, the staff at Forbes enthusiastically embraced the plan, and claims plummeted. In 1991 the company's insurer, CIGNA, reimbursed Forbes employees \$1,427,895 for medical and dental expenses. In 1992 it paid them

just \$1,041,907—a reduction of \$385,988 from the year before, or 23 percent less per person covered. In addition, CIGNA estimates that for each claim dollar, it spends eight cents on "administrative services." That means the insurer also saved about \$30,000 on 1992 paper work because Forbes employees sent in fewer claims.

Because CIGNA saved, Forbes saved. Last year the plan cost the company about \$125,000 in bonuses. But that was more than made up for by a \$200,000 rebate that CIGNA paid to the magazine at the end of the year for saving it so much money. And this year, while premiums for other CIGNA clients rose between 21 and 25 percent, the magazine's major-medical premiums fell 17.6 percent, and its dental premiums dropped 29.7 percent.

Finally, because Forbes saved, its employees saved. For 1993 the magazine expanded its bonus program. Instead of paying employees double the difference between \$500 and the claims they submit, Forbes will double the difference from \$600. This means the maximum bonus that employees can earn will rise from \$1,000 to \$1,200.

The success of the Forbes idea provides two important lessons:

1. People can control their own health spending if they get to keep the savings. Susan Kern, an assistant in the magazine's advertising department, regulated her health-care spending last year, paying when she thought she could and using insurance when she knew she couldn't.

Hoping for the full \$1,000 bonus, she started last year by paying her own bills for a bout of bronchitis. In October, though, she was hit with big medical expenses from a car accident and used her insurance. While she received no bonus this year, she hopes to earn one in the future.

Executive vice president Leon Yablon regularly fills four different prescriptions for himself and his wife. Now he has a reason to check prices. "Just last week, I filled something for \$29 that cost \$45 at another pharmacy," he says. "Before, who cared?"

2. Generous health insurance is not free. Without gold-plated policies, employers could pay workers more. Secretary Donna Hampton has filed "maybe one health-insurance claim" in her seven years with Forbes. Yet in that time, the company has spent thousands per year to insure her. She would have preferred the money—and with the bonus program, Hampton received a \$1,000 check last year.

"You tend not to think of the real dollar cost of benefits," admits senior editor Bill Flanagan, another recipient of a \$1,000 bonus. "But the more expensive health insurance is for the company, the more expensive it is for everybody."

Sharing the Wealth.—Other companies, too, are cutting costs with the same concept: employees keep what they save on health care.

In 1991 Dominion Resources, a public-utility holding company in Richmond, Va., announced that if its 1992 health-care expenses came in under budget, it would share the surplus with employees who helped hold costs down. At year's end, expenses were 31 percent under budget. Each employee whose medical claims were below his deductible got a check for \$794.

Another innovation helps keep Dominion's health-care expenses low: incentives to employees to choose high deductibles. Individuals with high deductibles handle routine expenses on their own. For that reason, high-deductible policies are cheap to buy. But be-

cause companies subsidize premiums, employees naturally prefer low-deductible policies.

Dominion solves this problem by offering three health plans with deductibles ranging from \$200 to \$1500 for an individual and \$600 to \$3000 for a family. Dominion contributes the same amount toward each employee's premium, no matter which plan he selects. Employees who choose more expensive low- and middle-deductible plans must pay more to make up the difference.

Dominion offers a special feature to help employees see that the money they save with high deductibles is their own. Says vice president Ken Davis, "We'll take what they save on premiums and automatically deposit it in a savings account." These incentives have helped encourage 75 percent of Dominion's employees to enroll in the high-deductible plan. And Dominion's health-care costs have risen less than one percent per year since 1990.

The Pittston Company of Stamford, Conn., goes even further to ease the bite of high deductibles: it sweetens the pot. Twice a year each employee gets a \$500 check to help cover the costs of medical bills. Whatever part of that check the employee doesn't spend on health care, he pays taxes on and keeps. If an employee's semi-annual expenses exceed \$500, the company's health insurance will pay the rest.

President Gerald R. Spindler says it is too soon for the self-insured company to know for sure that costs are down, but the early results are "encouraging." Employee-relations director Ed Cox knows why. "Before, people had no incentive not to go to the doctor," he says. "Now, if they don't, they keep the money."

For four years Knox Semiconductor, Inc., of Rockport, Maine, has had an insurance plan called "Health Wealth," which is marketed by Progress Sharing Co., an insurance broker in Saco, Maine. Under the plan, Knox raised employees' deductibles and co-payments, lowering its premium costs. It then put the money saved into a mutual-fund account for each employee. Employees—who make matching contributions—can use the money in their accounts to pay for their deductibles and co-payments. If they don't, they can pay taxes on the money and keep it. Knox has had just one rate increase of six percent in the past four years. The 32-employee firm has saved over \$100,000.

Tax Relief.—Each of these employers saves money by letting employees keep some of the health dollars they save. But, limited by current law, employers will offer only enough cash to affect relatively small medical expenses. Some lawmakers hope to change U.S. tax law to make the concept go further. The idea is called a medical IRA or a "medical savings account" (MSA). Legislators have drafted a variety of MSA bills. Here's how most would work:

An employer would buy its employees a health-insurance policy with a high deductible. The company would also set up an account for each employee to pay for the medical bills that he would now handle on his own. If the deductible was \$3000, the employer might put \$3000 into each employee's account every year. Advocates of MSAs say in most areas, high-deductible policies are so cheap that employers could easily fund employee accounts out of their premium savings, sometimes even with money to spare.

The money in each employee's account would belong to the employee. If the person was healthy and didn't need to spend it, he could keep it. Each year the employer would

add more. And because only about ten percent of American families spend more than \$3000 on health care each year, most accounts would grow.

So far, it sounds like what Pittston and Knox Semiconductor have done. The crucial difference? MSAs would grow tax-free from year to year, as long as they withdrew money only for medical expenses. If an MSA-owner moved to another job, he could take the account to this next position. If he lacked insurance between jobs, he could draw on the account to pay medical bills or to buy insurance.

For catastrophic medical problems, patients will always need insurance or Medicare. But MSA advocates say without taxes and with their incentives to save, the accounts could accumulate substantial cash. That would let patients use cheap, catastrophe-only policies and pay most medical bills the most efficient way: by themselves.

When finally retired, the former employee could use the money left in that account to supplement Medicare coverage, either by buying more insurance or by paying medical bills out-of-pocket. If he chose not to spend the money on health care, he could use it—after finally paying taxes—for whatever he wanted.

The idea behind MSAs is the same as that behind the health insurance plans at Forbes, Dominion Resources and other companies: when possible, let employees keep the money they choose not to spend on health care. "If that were permitted, people would spend more rationally," says economist Gerald Musgrave of Economics America, a consulting firm based in Ann Arbor, Mich. "We have thousands of years of experience with how people handle their own money."

Yet President Clinton's health-care plan probably won't offer patients this choice or many others. The Clinton plan, reported to cost at least \$100 billion, would require all Americans to have the same coverage whether they wanted to pay for it or not.

Some Americans already have the opportunity to make rational health-care choices. If more had that chance, many weaknesses of our current system would be improved without risking what we cherish: high quality, choice and individual control. The idea of a free marketplace in health care has not failed; it has not fully been tried.

Mr. HELMS. Mr. President, that concludes my remarks.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object for the time being.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVING AMERICA'S SCHOOLS ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, is the pending question the motion to proceed to the education bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the motion to proceed to S. 1513?

If not, the question is on agreeing to the motion to proceed to the consideration of S. 1513. On this question, the yeas and nays have been ordered, and clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—98

Akaka	Faircloth	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Hefflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Dorgan	Lugar	Wellstone
Durenberger	Mack	Wofford
Exon	Mathews	

NOT VOTING—2

Harkin Mikulski

So the motion was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, on behalf of myself and Senator JEFFORDS, I send a series of bipartisan amendments

to the desk and ask they be adopted en bloc and they be considered as original text.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The PRESIDING OFFICER. The clerk will report the bill. As soon as the bill is reported, that unanimous-consent request will be addressed.

The assistant legislative clerk read as follows:

A bill (S. 1513) entitled the "Improving America's Schools Act of 1994".

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the follow:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Schools Act of 1994".

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—MISCELLANEOUS

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

(1) TITLE I.—The amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under part A of title IX of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 250 of such title shall be effective—

(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995.

(B) Part C of title III of this Act and the amendments made by such part shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

"SEC. 2. TABLE OF CONTENTS.

"The table of contents for this Act is as follows:

"Sec. 1. Short title.

"Sec. 2. Table of contents.

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"Sec. 1001. Declaration of policy and statement of purpose.

"Sec. 1002. Authorization of appropriations.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

"Sec. 1111. State plans.

"Sec. 1112. Local educational agency plans.

"Sec. 1113. Eligible school attendance areas.

"Sec. 1114. Schoolwide programs.

"Sec. 1115. Targeted assistance schools.

"Sec. 1116. Parental involvement.

"Sec. 1117. Participation of children enrolled in private schools.

"Sec. 1118. Assessment and local educational agency and school improvement.

"Sec. 1119. State assistance for schools support and improvement.

"Sec. 1120. Fiscal requirements.

"SUBPART 2—ALLOCATIONS

"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.

"Sec. 1122. Allocations to States.

"Sec. 1123. Grants to States.

"Sec. 1124. Within State allocations.

"PART B—TRANSITION TO SUCCESS

"Sec. 1201. Transition to success.

"Sec. 1202. Coordination requirements.

"Sec. 1203. Definitions.

"PART C—EVEN START FAMILY LITERACY PROGRAMS

"Sec. 1301. Statement of purpose.

"Sec. 1302. Program authorized.

"Sec. 1303. State programs.

"Sec. 1304. Uses of funds.

"Sec. 1305. Program elements.

"Sec. 1306. Eligible participants.

"Sec. 1307. Applications.

"Sec. 1308. Award of subgrants.

"Sec. 1309. Evaluation.

"Sec. 1310. Construction.

"PART D—EDUCATION OF MIGRATORY CHILDREN

"Sec. 1401. Program purpose.

"Sec. 1402. Program authorized.

"Sec. 1403. State allocations.

"Sec. 1404. State applications; services.

"Sec. 1405. Secretarial approval; peer review.

"Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.

"Sec. 1407. Bypass.

"Sec. 1408. Coordination of migrant education activities.

"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"Sec. 1501. Purpose; program authorized.

"Sec. 1502. Eligibility.

"Sec. 1503. Allocation of funds.

"Sec. 1504. State reallocation of funds.

"Sec. 1505. State plan and State agency applications.

"Sec. 1506. Use of funds.

"Sec. 1507. Institution-wide projects.

"Sec. 1508. Three-year projects.

"Sec. 1509. Program evaluations.

"Sec. 1510. Transition services.

"Sec. 1511. Definitions.

"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"Sec. 1601. Evaluations.

"Sec. 1602. Demonstrations of innovative practices.

"PART G—GENERAL PROVISIONS

"Sec. 1701. Federal regulations.

"Sec. 1702. State administration.

"Sec. 1703. Construction.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"Sec. 2101. Findings.

"Sec. 2102. Purposes.

"Sec. 2103. Authorization of appropriations; allocation between subparts.

"SUBPART 1—FEDERAL ACTIVITIES

"Sec. 2111. Program authorized.

"Sec. 2112. Authorized activities.

"Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.

"Sec. 2114. National Teacher Training Project.

"SUBPART 2—STATE AND LOCAL ACTIVITIES

"Sec. 2121. Program authorized.

"Sec. 2122. Allocation of funds.

"Sec. 2123. Within State allocations.

"Sec. 2124. Priority for professional development in mathematics and science.

"Sec. 2125. State applications.

"Sec. 2126. State level activities.

"Sec. 2127. Local educational agency applications.

"Sec. 2128. Local cost-sharing.

"Sec. 2129. Local allocation of funds and allowable activities.

"Sec. 2130. Higher education activities.

"Sec. 2131. Consortium requirement.

"SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

"Sec. 2141. Findings and purpose.

"Sec. 2142. Demonstration program authorized.

"Sec. 2143. Grants.

"Sec. 2144. Plan.

"Sec. 2145. Technical assistance.

"Sec. 2146. Matching funds.

"SUBPART 4—GENERAL PROVISIONS

"Sec. 2151. Reporting and accountability.

"Sec. 2152. Definitions.

"PART B—NATIONAL WRITING PROJECT

"Sec. 2201. Short title.

"Sec. 2202. Findings.

"Sec. 2203. National Writing Project.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"SUBPART 1—COMPREHENSIVE REGIONAL CENTERS

"Sec. 2301. Findings.

"Sec. 2302. Purpose.

"Sec. 2303. Program authorized.

"Sec. 2304. Eligible entities.

"Sec. 2305. Comprehensive regional centers.

"Sec. 2306. Information collection and evaluation.

"Sec. 2307. Transition.

"Sec. 2308. Authorization of appropriations.

"SUBPART 2—NATIONAL DIFFUSION NETWORK

"Sec. 2311. Program authorized.

"Sec. 2312. Authorization of appropriations.

"SUBPART 3—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS

"Sec. 2321. Program established.

"Sec. 2322. Use of funds.

"Sec. 2323. Application and review.

"Sec. 2324. Regional boards.

"Sec. 2325. Payments; Federal share; non-Federal share.

"Sec. 2326. Evaluation.

"Sec. 2327. Definitions.

"Sec. 2328. Authorization of appropriations.

"PART D—TERRITORIAL TEACHER TRAINING PROGRAM

"Sec. 2401. Territorial teacher training program.

"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"Sec. 2501. Project authorized.

"Sec. 2502. Application required.

"Sec. 2503. Authorization of appropriations.

"TITLE III—TECHNOLOGY FOR EDUCATION

"Sec. 3001. Short title.

"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

"Sec. 3111. Findings.

"Sec. 3112. Statement of purpose.

"Sec. 3113. Definitions.

"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION

"Sec. 3121. Purposes.

"Sec. 3122. Federal leadership.

"Sec. 3123. Regional technical support and professional development.

"Sec. 3124. Educational technology product development.

"Sec. 3125. Research on educational applications of advanced technologies.

"Sec. 3126. High performance educational computing and telecommunications networks.

"Sec. 3127. Study, evaluation and report of funding alternatives.

"SUBPART 2—STATE AND LOCAL PROGRAMS FOR SCHOOL TECHNOLOGY RESOURCES, TECHNICAL SUPPORT, AND PROFESSIONAL DEVELOPMENT

"Sec. 3131. Statement of purpose.

"Sec. 3132. School technology resource grants.

"SUBPART 3—SPECIAL RULE APPLICABLE TO APPROPRIATIONS

"Sec. 3141. Special rule.

"PART B—STAR SCHOOLS PROGRAM

"Sec. 3201. Short title.

"Sec. 3202. Purpose.

"Sec. 3203. Grants authorized.

"Sec. 3204. Eligible telecommunications partnerships.

"Sec. 3205. Applications.

"Sec. 3206. Leadership and evaluation activities.

"Sec. 3207. Administrative provisions.

"Sec. 3208. Other assistance.

"Sec. 3209. Definitions.

"PART C—READY-TO-LEARN TELEVISION

"Sec. 3301. Ready-to-learn.

"Sec. 3302. Educational programming.

"Sec. 3303. Duties of Secretary.

"Sec. 3304. Applications.

"Sec. 3305. Reports and evaluation.

"Sec. 3306. Administrative costs.

"Sec. 3307. Definition.

"Sec. 3308. Authorization of appropriations.

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"Sec. 3401. Short title.

"Sec. 3402. Statement of purpose.

"Sec. 3403. Program authorized.

"Sec. 3404. Allotments of funds.

"Sec. 3405. State application.

"Sec. 3406. Local application.

"Sec. 3407. Program requirements.

"Sec. 3408. Federal administration.

"Sec. 3409. Authorization of appropriations.

"PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

"Sec. 3501. Program authorized.

- "Sec. 3502. Funding requirements.
- "Sec. 3503. State plans.
- "Sec. 3504. Distribution of allocation to local educational agencies.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION

- "Sec. 3601. Short title.
- "Sec. 3602. Purpose.
- "Sec. 3603. Grant authorization.
- "Sec. 3604. Program requirements.
- "Sec. 3605. Applications.
- "Sec. 3606. Use of funds.
- "Sec. 3607. Evaluation.
- "Sec. 3608. Authorization of appropriations.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

- "Sec. 4101. Findings.
- "Sec. 4102. Statement of purpose.
- "Sec. 4103. Program authorized.
- "Sec. 4104. Definition.
- "Sec. 4105. Eligibility.
- "Sec. 4106. Applications and requirements.
- "Sec. 4107. Priority.
- "Sec. 4108. Use of funds.
- "Sec. 4109. Prohibitions.
- "Sec. 4110. Limitation on payments.
- "Sec. 4111. Innovative programs.
- "Sec. 4112. Authorization of appropriations; reservation.

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

- "Sec. 5101. Findings.
- "Sec. 5102. Purpose.
- "Sec. 5103. Authorization of appropriations.

"SUBPART 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

- "Sec. 5111. Reservations and allotments.
- "Sec. 5112. State applications.
- "Sec. 5113. State and local educational agency programs.
- "Sec. 5114. Governor's programs.
- "Sec. 5115. Local applications.
- "Sec. 5116. Local drug and violence prevention programs.
- "Sec. 5117. Evaluation and reporting.
- "Sec. 5118. Programs for Hawaiian Natives.

"SUBPART 2—NATIONAL PROGRAMS

- "Sec. 5121. Federal activities.
- "Sec. 5122. Grants to institutions of higher education.

"SUBPART 3—GENERAL PROVISIONS

- "Sec. 5131. Definitions.
- "Sec. 5132. Materials.
- "Sec. 5133. Prohibited uses of funds.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

- "Sec. 5201. Short title.
- "Sec. 5202. Purpose.
- "Sec. 5203. Grants to local educational agencies.
- "Sec. 5204. Application.
- "Sec. 5205. Authorized activities.
- "Sec. 5206. Distribution of assistance; limitation on costs.

- "Sec. 5207. Reports.
- "Sec. 5208. Authorization of appropriations.

"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

- "Sec. 7101. Short title.
- "Sec. 7102. Findings.
- "Sec. 7103. Policy; authorization of appropriations.
- "Sec. 7104. Definitions.
- "Sec. 7105. Native American and Alaska Native children in school.

"SUBPART 1—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

- "Sec. 7111. Financial assistance for bilingual education.

"SUBPART 2—RESEARCH AND EVALUATION

- "Sec. 7121. Authority.
- "Sec. 7122. Research.
- "Sec. 7123. Academic excellence awards.
- "Sec. 7124. State grant program.
- "Sec. 7125. National Clearinghouse for Bilingual Education.

- "Sec. 7126. Evaluations.

"SUBPART 3—PROFESSIONAL DEVELOPMENT

- "Sec. 7131. Purpose.
- "Sec. 7132. Professional development grants.
- "Sec. 7133. Fellowships.
- "Sec. 7134. Stipends.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

- "Sec. 7201. Short title.
- "Sec. 7202. Findings.
- "Sec. 7203. Program authorized.
- "Sec. 7204. Applications.
- "Sec. 7205. Authorization of appropriations.

"PART C—ADMINISTRATION

- "Sec. 7301. Coordination with related programs.
- "Sec. 7302. Report on bilingual education.
- "Sec. 7303. State educational agency recommendations; peer review.

"PART D—SPECIAL RULE

- "Sec. 7401. Special rule.

"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—ARTS IN EDUCATION

- "Sec. 8101. Support for arts education.

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

- "Sec. 8151. Inexpensive book distribution program for reading motivation.

"PART C—PUBLIC CHARTER SCHOOLS

- "Sec. 8201. Findings and purpose.
- "Sec. 8202. Program authorized.
- "Sec. 8203. Applications.
- "Sec. 8204. Administration.
- "Sec. 8205. Uses of funds.
- "Sec. 8206. National activities.
- "Sec. 8207. Definitions.
- "Sec. 8208. Authorization of appropriations.

"PART D—CIVIC EDUCATION

- "Sec. 8251. Instruction on the history and principles of democracy in the United States.
- "Sec. 8252. Instruction in civics, government, and the law.
- "Sec. 8253. Report; authorization of appropriations.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

- "Sec. 8301. Findings.

"SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

- "Sec. 8311. Establishment.
- "Sec. 8312. Applications.

"SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

- "Sec. 8321. Establishment.
- "Sec. 8322. Applications.

"SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

- "Sec. 8331. Establishment.
- "Sec. 8332. Applications.

"SUBPART 4—GENERAL PROVISIONS

- "Sec. 8341. Administrative provisions.
- "Sec. 8342. Authorization of appropriations.

"PART F—GIFTED AND TALENTED CHILDREN

- "Sec. 8401. Short title.
- "Sec. 8402. Findings and purposes.
- "Sec. 8403. Definitions; construction.
- "Sec. 8404. Authorized programs.
- "Sec. 8405. Program priorities.
- "Sec. 8406. General provisions.
- "Sec. 8407. Authorization of appropriations.

"PART G—WOMEN'S EDUCATIONAL EQUITY

- "Sec. 8451. Short title; findings.
- "Sec. 8452. Statement of purposes.
- "Sec. 8453. Program authorized.
- "Sec. 8454. Applications.
- "Sec. 8455. Criteria and priorities.
- "Sec. 8456. Report.
- "Sec. 8457. Evaluation and dissemination.
- "Sec. 8458. Authorization of appropriations.

"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

- "Sec. 8501. Fund for the Improvement of Education.

"PART I—BLUE RIBBON SCHOOLS

- "Sec. 8551. Blue Ribbon Schools program.

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"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1995 through 1999 by increasing funding for this title by at least \$750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

"(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited-English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000:

Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.

"(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

"(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are effective when children have full access to quality regular school programs and receive supplemental help through extended-time activities.

"(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.

"(6) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(7) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

"(8) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(9) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(10) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.

"(11) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served under this title. This purpose shall be accomplished by—

"(1) ensuring high standards and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts and humanities, through schoolwide programs or through additional services that increase the amount and quality of instructional time;

"(3) promoting schoolwide reform and access of children, from the earliest grades, to effective instructional strategies and challenging academic content that support intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for ongoing professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving high State student performance standards expected of all children;

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance; and

"(10) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e), there are authorized to be appropriated \$7,500,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) EVEN START.—For the purpose of carrying out part C, there are authorized to be appropriated \$120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part D, there are authorized to be appropriated \$310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part E, there are authorized to be appropriated \$40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e), there are authorized to be appropriated \$45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FEDERAL ACTIVITIES.—

"(1) SECTION 1601.—For the purpose of carrying out section 1601, there are authorized to be appropriated \$10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SECTION 1602.—For the purpose of carrying out section 1602, there are authorized to be appropriated \$20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 10302.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—

"(1) IN GENERAL.—(A) Each State plan shall describe—

"(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children;

"(ii) (I) two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(II) a third level, partially proficient, to provide complete information about the progress of the lower-performing children toward achieving to the proficient and advanced levels of performance; and

"(iii) the steps the State will take to help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school.

"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act or an aligned set of assessments for all students developed under such title, or if not developed under such title, adopted under another process, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).

"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, including at least mathematics, and reading or language arts, which standards shall include the same knowledge, skills, and levels of performance expected of all children, and for those subjects for which a State will not develop standards and students are served under this part, include a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

"(2) ADEQUATE YEARLY PROGRESS.—(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling all children to meet the State's student performance standards; and

"(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's student performance standards.

"(B) Adequate yearly progress under this paragraph shall be defined in a manner that results in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's advanced level of performance, particularly eligible children described in section 1115(b).

"(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least one assessment in one grade in each school, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this

part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with such State's content standards in subjects for which the State has developed standards in accordance with subparagraph (A) or (C) of paragraph (1);

"(C) involve multiple measures of student performance, including measures that assess higher order thinking skills and understanding;

"(D) provide for—

"(i) the participation in such assessments of all students with diverse learning needs; and

"(ii) the adaptations and accommodations necessary to permit such participation;

"(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures;

"(F) be capable of providing coherent information about student attainments relative to the State content standards;

"(G) support effective curriculum and instruction;

"(H) provide individual student reports;

"(I) provide statistically reliable results for economically disadvantaged children disaggregated by gender, major ethnic or racial groups, limited-English proficient children, children with disabilities, and other educationally meaningful categories of children; and

"(J) include students who have resided in the area served by a local educational agency for a full academic year but have not attended a single school served by such agency for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency, unless the State provides otherwise.

"(4) OTHER INDICATORS.—Each State plan may include a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments required by paragraph (3) in determining the yearly performance of each local educational agency and school served under this part.

"(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—(A)(i) If a State does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for a transitional period of not more than two years, a transitional statewide set of yearly assessments that measure the performance of complex skills and challenging subject matter.

"(ii) Each State using the transitional assessments described in clause (i) shall develop benchmarks of progress toward the development of assessments that meet the requirements of paragraph (3), including periodic updates.

"(B)(i) The Secretary may extend for two additional years the use of the transitional assessments described in subparagraph (A) upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), particularly paragraph (3)(C).

"(ii) A State that is denied the two-year extension or renewal under clause (i) or is granted such an extension or renewal, but after one or two additional years does not have State content standards and State student performance standards that meet the requirements of para-

graph (1) or assessments that meet the requirements of paragraph (3), shall adopt a set of such standards and aligned assessments, such as those contained in other State plans the Secretary has approved.

"(C) For any year during which a State is using transitional assessments the State shall devise a procedure for identifying local educational agencies under subsections (c)(3) and (c)(7) of section 1118 and schools under subsections (b)(1) and (b)(6) of section 1118 that relies on accurate information about the academic progress of each such local educational agency and school.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State educational agency will implement a system of school support teams under section 1119(b), including provision of necessary professional development for those teams;

"(2) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(3) the State educational agency will fulfill its local educational agency and school improvement responsibilities under section 1118; and

"(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

"(B) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

"(C) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for such determination;

"(D) not finally disapprove a State's plan before offering the State an opportunity to revise its plan and provide technical assistance to assist the State to meet the requirements of subsections (b) and (c); and

"(E) not require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1119 until the Secretary determines that the State plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(f) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provi-

sions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan that is approved by the State educational agency. Such plan may be submitted as part of a consolidated plan under section 10304.

"(b) PLAN PROVISIONS.—

"(1) IN GENERAL.—Each local educational agency plan shall include—

"(A) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that—

"(i) the local educational agency and schools served under this part will use to—

"(I) provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(2)(A); and

"(II) aid in instruction, in improving the performance of individual students, and in revising the local educational agency or school's instructional program to enable all children served under this part to meet the State student performance standards described in section 1111(b)(2)(A);

"(ii) will be selected and administered by teachers; and

"(iii) will be aligned with curriculum and constitute an integral part of the instructional program;

"(B) at the local educational agency's discretion, a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments described in subparagraph (A) for the uses described in clause (i) of such subparagraph;

"(C) a description of the strategy the local educational agency will use to provide ongoing professional development for teachers, pupil services personnel, administrators, parents and other staff, including local educational agency level staff, that—

"(i) takes into account the needs and activities across and within schools; and

"(ii) draws on resources available under this part, other Federal resources, and, at the local educational agency's discretion, other State and local resources;

"(D) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(E) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115 will identify those eligible children most in need of services under this part;

"(F) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children;

"(G) a description of how the local educational agency, where appropriate, will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood development program; and

"(H) a description of how the local educational agency, as part of a comprehensive school reform effort, will, where appropriate and feasible as determined by such agency, use funds provided under this part to reduce class size to 15 students.

"(2) FILING AND APPROVAL.—Notwithstanding paragraph (1), each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than 2 years from the date of enactment of the Improving America's Schools Act of 1994 to have such plan approved by the State educational agency.

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1118 and assist schools as schools implement those plans so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(2)(A) inform eligible schools and parents of schoolwide project authority; and

"(B) provide technical assistance and support to schoolwide programs;

"(3) fulfill its school improvement responsibilities under section 1118;

"(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

"(5) consistent with the provisions of section 10306, coordinate and integrate services provided under this part with other educational services, including—

"(A) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(B) services for children with limited-English proficiency or with disabilities, migratory children served under part D, neglected or delinquent children served under part E, homeless children, and immigrant children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with school-based pupil services personnel where appropriate, and with other agencies providing services to children, youth, and families, including health and social services;

"(7) where appropriate and feasible as determined by the local educational agency, establish a procedure to ensure that all children in participating elementary schools receive two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards; and

"(8) in the case that a State chooses to utilize funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, pupil services personnel and parents of children in schools served under this part;

"(2) remain in effect for the duration of the local educational agency's participation under this part; and

"(3) be periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards described in section 1111(b)(1).

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of the local educational agency and schools in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is equal to or greater than the percentage of children—

"(i) from low-income families served by the local educational agency as a whole; or

"(ii) served by the local educational agency as a whole who are eligible to participate in a schoolwide program under section 1114.

"(3) SERVING SCHOOLS IN RANK ORDER.—Each local educational agency receiving assistance under this part shall—

"(A) first serve in rank order schools in which the concentration of children from low-income families is 75 percent or greater;

"(B) then serve in rank order schools in which such concentration is at least 50 percent and less than 75 percent with rank order determined at the discretion of the local educational agency according to grade span or school; and

"(C) finally serve in rank order schools in which such concentration is below 50 percent with rank order determined according to grade span or by school.

"(4) MEASURES.—The local educational agency shall use the same measure of low-income, which such agency shall choose on the basis of the best available verifiable data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

"(A) identify eligible school attendance areas;

"(B) determine the ranking of each such area; and

"(C) determine allocations under subsection (c).

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency.

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools—

"(A) identified under subsection (a)(3)(A), in rank order, on the basis of the total number of children from low-income families in each such area or school; and

"(B) identified under subparagraphs (B) and (C) of subsection (a)(3) or under subsection (b), in rank order, on the basis of the total number of children from low-income families in grade levels served in each such area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 65 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criterion described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 50 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

"(B) children living in local institutions for neglected or delinquent children.

"(d) INAPPLICABILITY.—Subsections (a) and (c) shall not apply—

"(1) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve schools in rank order according to grade span or school; or

"(2) to schools participating in desegregation programs where the number of economically disadvantaged children is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) The school serves an eligible school attendance area in which at least 30 percent of the children—

"(i) are from low-income families; and

"(ii) are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, such as eligibility under the aid to families with dependent children program under part A of title IV of the Social Security Act.

"(B) At least 30 percent of the children enrolled in the school are from families meeting the requirements of clauses (i) and (ii) of subparagraph (A).

"(2) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited-English proficiency.

"(3) SPECIAL RULE.—(A) Notwithstanding any other provision of law, a school participating in a schoolwide program may use funds received under any noncompetitive, formula-grant program administered by the Secretary, or any discretionary program contained on a list, updated

as necessary, issued by the Secretary (other than any such program under the Individuals with Disabilities Education Act) to support a schoolwide program if the underlying intent and purposes of such program are met.

"(B) A school that uses funds from the programs described in subparagraph (A) in accordance with such subparagraph shall not be relieved of the requirements relating to health, safety, civil rights, maintenance of effort, comparability of services, services for the participation of children enrolled in private schools, parental involvement, or the distribution of funds to State or local educational agencies that apply to the receipt of funds under such programs.

"(4) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (b)(1)(D) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than \$5,000.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

"(1) IN GENERAL.—A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of performance described in section 1111(b)(1)(A);

"(ii) are based on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that—

"(I) increase the amount and quality of learning time; and

"(II) help provide an enriched and accelerated curriculum;

"(iv) address the needs of all children in the school, but particularly the needs of economically disadvantaged children, low-achieving children, children with limited-English proficiency, children with disabilities, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, which may include—

"(aa) counseling, pupil services, and mentoring services;

"(bb) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(cc) services to prepare students for the transition from school to work;

"(dd) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(ee) incorporation of gender-equitable methods and practices; and

"(ff) after school and summer programs; and

"(II) address how the school will determine if such needs have been met; and

"(v) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C)(i) Instruction by highly qualified professional staff.

"(ii) If a school uses funds received under this part to employ instructional aides, the school shall ensure that such aides—

"(I) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

"(II) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(III) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

"(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

"(E) Parental involvement in accordance with section 1116.

"(F) Development and use of teacher selected assessments as described in section 1112(b)(1)(A)(ii) for providing information on and improving the performance of individual students and the overall instructional program.

"(G) Measures to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

"(I) what the school will do to help the student meet such standards;

"(II) what the parents can do to help the student improve the student's performance; and

"(III) additional assistance which may be available to the student at the school or elsewhere in the community.

"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program;

"(iv) describes how the school will provide valid and reliable individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and

"(v) provides for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, limited-English proficient children.

"(B) Plans developed before a State has adopted standards and a set of assessments that

meet the criteria described in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed over a one-year period, unless—

"(I) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate that program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

"(ii) developed by a school-site council composed of those individuals who will implement the plan, including teachers, pupil services personnel, parents, principals, and other staff;

"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—A child shall be eligible for services under this part if—

"(A) except as provided in subparagraphs (B), (C), and (D), the school serving such child determines that such child is economically disadvantaged, and such child—

"(i) is not older than age 21 and is entitled to a free public education through grade 12; and

"(II) is not yet at a grade level where the local educational agency provides a free public education, yet is of an age at which such child can benefit from an organized instructional program provided in a school or other educational setting; or

"(ii) is a child with a disability, a limited-English proficient child, or a migrant child;

"(B) the child, at any time in the two years preceding the year for which the determination is made, received services under the program for neglected and delinquent children under part E (or its predecessor authority);

"(C) the child is homeless and attending any school in the local educational agency; and

"(D) the child, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program.

"(2) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in subparagraphs (B), (C), and (D) of paragraph (1) but may be used to coordinate or supplement such services.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity

to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

"(B) be based on effective means for improving achievement of children;

"(C) ensure that planning for students served under this part is incorporated into existing school planning;

"(D) use effective instructional strategies that—

"(i) increase the amount and quality of learning time;

"(ii) help provide an accelerated, high-quality curriculum; and

"(iii) minimize isolating eligible children from other children in the school during regular school hours;

"(E) coordinate with and support the regular education program, which may include—

"(i) counseling, mentoring and other pupil services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;

"(iii) services to prepare students for the transition from school to work; and

"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(F) provide instruction by highly qualified staff;

"(G) if such program employs instructional aides, ensure that such aides—

"(i) possess the knowledge and skills sufficient to assist participating children in meeting the purposes of this title;

"(ii) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that an instructional aide that does not meet the requirement of this clause may be employed if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(iii) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children;

"(H) in accordance with subsection (d)(2), provide opportunities for ongoing professional development to the extent the school determines feasible with resources provided under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program; and

"(I) provide opportunities for parental involvement in accordance with section 1116.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and

"(B) providing individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(d) SPECIAL RULES.—

"(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted

assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—

"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;

"(B) compensation of a coordinator; and

"(C) professional development for teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

"(2) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (c)(1)(G) for such fiscal year, except that—

"(A) a school may enter into a consortium with another school to carry out such activities; and

"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than \$5,000.

"(e) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

"(f) SPECIAL RULE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1116. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

"(1) IN GENERAL.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the joint development and approval of the plan described under section 1112, and the process of school review and improvement described under section 1118;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parent involvement strategies described in this part with those under other programs; and

"(E) ensure that participating schools—

"(i) review the effectiveness of their parent involvement activities on an ongoing basis;

"(ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participa-

tion in the parent involvement activities by parents who are economically disadvantaged, are disabled, have limited literacy, have limited English proficiency, or are from any racial or ethnic minority background; and

"(iii) use the findings of such reviews in—

"(1) designing strategies for school improvement; and

"(II) revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).

"(2) AMENDMENT.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

"(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such process includes an adequate representation of parents of participating children; and

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a)(3);

"(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;

"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

"(E) timely responses to the suggestions described in subparagraph (E).

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student

achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom, and participating as appropriate in decisions relating to the education of their children, and positive use of extra-curricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

"(e) **BUILDING CAPACITY FOR INVOLVEMENT.**—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

"(2) provide materials and training, such as necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

"(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, and public preschool programs, to the extent feasible;

"(5) other activities, as appropriate and feasible, such as parent resource centers, designed to help parents become full partners in the education of their children; and

"(6) provide such other reasonable support for parental involvement activities under this section as parents may request.

"(f) **PARENTAL INFORMATION AND RESOURCE CENTERS.**—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to providing training, information, and support to parents and individuals who work with parents) local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising par-

ents on how to use such centers, and helping parents to contact such centers.

"(g) **ACCESSIBILITY.**—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited-English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

"SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) **GENERAL REQUIREMENT.**—

"(1) **IN GENERAL.**—To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) **SECULAR, NEUTRAL, NONIDEOLOGICAL.**—Such educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) **EQUITY.**—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) **EXPENDITURES.**—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) **PROVISION OF SERVICES.**—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) **CONSULTATION.**—

"(1) **IN GENERAL.**—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) **TIMING.**—Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) **DISCUSSION.**—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(c) **PUBLIC CONTROL OF FUNDS.**—

"(1) **IN GENERAL.**—The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2) **PROVISION OF SERVICES.**—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and

such employment or contract shall be under the control and supervision of such public agency.

"(3) **VERIFIABLE DOCUMENTATION.**—An official of each private school assisted under this part shall provide to the local educational agency the verifiable documentation necessary to determine the proportionate allocation amount under subsection (a)(4) on which the provision of equitable services under this section will be based.

"(d) **STANDARDS FOR A BYPASS.**—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 10505 and 10506.

"(e) **CAPITAL EXPENSES.**—

"(1) **IN GENERAL.**—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2) **CAPITAL EXPENSES.**—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

"(3) **USES OF FUNDS.**—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) **DEFINITION.**—For the purpose of this subsection, the term "capital expenses" means—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) **LOCAL REVIEW.**—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) publicize and disseminate to teachers and other staff, parents, students, and the community the results of the annual review under

paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

"(4) provide the results of the local annual review to schools so that the local educational agency can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

"(b) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that—

"(i) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

"(ii) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

"(I) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or

"(II) in the case of a school that is not operating a schoolwide program such school may be reviewed on the progress of only those students that have been, are, or will be, served under this part; or

"(iii) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error, such school may provide evidence to the local educational agency to support such belief.

"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and

"(ii) submit the plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement such school's plan.

"(3) TECHNICAL ASSISTANCE.—For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements such school's plan.

"(4) CORRECTIVE ACTION.—(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

"(I) withholding funds;

"(II) an aggressive joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies school and local responsibilities under the plan;

"(III) interagency collaborative agreements between the school and other public agencies to

provide health, counseling, and other social services needed to remove barriers to learning;

"(IV) waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students;

"(V) revoking authority for a school to operate a schoolwide program;

"(VI) decreasing decisionmaking authority at the school level;

"(VII) making alternative governance arrangements such as the creation of a public charter school;

"(VIII) reconstituting the school staff; and

"(IX) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), (VI), (VIII), (IX) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action to the extent that the failure to make progress can be attributed to extenuating circumstances, such as sudden and significant reductions in Federal funding in a single year, as determined by the Secretary.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make assistance from school support teams and distinguished educators under section 1119 available to the schools farthest from meeting the State's student performance standards, if requested by the local educational agency or school; and

"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (3) and (4), take such corrective actions that the State educational agency deems appropriate.

"(6) SPECIAL RULE.—Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(C) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether the local educational agency is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraphs (2) and (3) of section 1119(b).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are not op-

erating schoolwide programs may be reviewed on the basis of the progress of only those students served under this part; or

"(ii) has failed to meet the criteria established by the State through its transitional procedure under section 1111(b)(5)(C) for two consecutive years.

"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency in meeting the State's student performance standards.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement the local educational agency's revised plan and work with schools needing improvement; and

"(B) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance from school support teams and distinguished educators under section 1119.

"(6) CORRECTIVE ACTION.—(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

"(I) the withholding of funds;

"(II) an aggressive joint plan between the State and local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan;

"(III) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning;

"(IV) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students;

"(V) reconstitution of school district personnel;

"(VI) appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan;

"(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for the public governance and supervision of such schools; and

"(VIII) authorizing students to transfer to another public school, including the cost of transportation.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I),

(V), and (VII) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).

"(C) Prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing, to any local educational agency identified under paragraph (3) and may refrain from such corrective action to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the Secretary.

"(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

"(d) OTHER ACCOUNTABILITY SYSTEMS.—If a State has developed an accountability system for all children that, in the Secretary's judgment, is as rigorous as the system required by this section and can serve as basis for the accountability of programs under this part, then the Secretary may deem such system as meeting the requirements of this section.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including all schoolwide programs and all schools in need of program improvement.

"(b) COMPONENTS.—The system, at a minimum, shall include the following:

"(1) SCHOOL SUPPORT TEAMS.—

"(A) Each State, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs, or a school in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school and such school is identified as in need of improvement under section 1118(b)(1).

"(B) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform, and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

"(C) A school support team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

"(D) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

"(i) periodically review the progress of the school in enabling children in the school to meet the State's performance standards under this part;

"(ii) identify problems in the design and operation of the instructional program; and

"(iii) make recommendations for improvement to the school and the local educational agency.

"(E) Funds made available for State administration and, at the discretion of the local educational agency, funds available to local educational agencies under this part may be used to pay the costs of the school support teams.

"(2) DISTINGUISHED SCHOOLS.—(A) Each State shall designate as a distinguished school—

"(i) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(ii) any school in which almost every student has met the State's advanced level of performance.

"(B)(i) A State shall use funds available under section 1701(c) to recognize distinguished schools, including making monetary awards.

"(ii) Funds awarded to a distinguished school may be used by the school to further the school's educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(C) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(D) Schools designated as distinguished schools under such subparagraph (A) may serve as models and provide additional assistance to other schools served under this part, especially schoolwide programs and schools in school improvement, that are not making adequate progress.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1701(c), shall establish a corps of distinguished educators.

"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).

"(c) IMPLEMENTATION.—In order to implement this section, funds made available under section 1701(c) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(d) ALTERNATIVES.—

"(1) IN GENERAL.—The State may devise alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (b), such as providing assistance through institutions of higher education and educational service agencies or other local consortia and may use funds authorized in section 1701(c) for such approaches.

"(2) INAPPLICABILITY.—Paragraphs (1) and (3) of subsection (b) shall not apply to a State educational agency if such agency determines that a local educational agency or school is receiving adequate technical assistance from a source other than the State educational agency.

"SEC. 1120. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 10501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) PROCEDURES AND RECORDS.—Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited-English proficiency; and

"(B) excessive costs of providing services to children with disabilities as determined by the local educational agency.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

"(2) ADMINISTRATIVE COSTS.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 46 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under section 1123 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under

section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount made available to each State under section 1123—

"(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

"(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fiscal year preceding the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts reduced.

"(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. GRANTS TO STATES.

"(a) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for all local educational agencies in that State, as determined under paragraph (2).

"(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

"(2) GRANTS FOR STATES.—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children determined under subsection (c)(2) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (1) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (2) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil expenditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.

"(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall

be a fraction the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

"(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

"(iii)(I) Except as provided in subclause (II), the equity factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The equity factor determined under this sentence shall be calculated as follows: First, calculate the difference (expressed as a positive amount) between the average per pupil expenditure in the State served by the local educational agency and the average per pupil expenditure in each local educational agency in the State and multiply such difference by the total student enrollment for such agency, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Second, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. If the final quotient obtained under the preceding sentence is—

"(aa) .05 or less, then the equity factor is 1.05;

"(bb) greater than .05 and less than .15, then the equity factor is equal to 1.10 minus such quotient; or

"(cc) .15 or greater, then the equity factor is .95.

"(II) The equity factor for a local educational agency serving—

"(aa) the District of Columbia and the Commonwealth of Puerto Rico shall be calculated so that there is no increase or decrease in the District of Columbia's or the Commonwealth of Puerto Rico's grant under this section by the application of this clause;

"(bb) Hawaii shall be 1.05; and

"(cc) a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), shall be not less than 1.00.

"(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(I) for such year multiplied by the equity factor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(I)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence for such year; and

"(ii) 32 percent of the average per pupil expenditure in the United States for such year.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal

year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c)(1):

"(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

"(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

"(c) DETERMINATION OF WEIGHTED NUMBER OF CHILDREN.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children to be counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) For the purposes of this section, the Secretary shall determine the number of children counted under subparagraph (A) on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) The number of children to be determined for purposes of this paragraph shall be the number of children counted under paragraph (1) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (1) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Except as provided in subparagraph (B), weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population and 1.10 for children counted under paragraph (1) in excess of 12.20

percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, and 1.20 for children counted under paragraph (1) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, and 1.30 for children counted under paragraph (1) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted under paragraph (1) equal to 6.90 percent of the total school age population, and 1.40 for children counted under paragraph (1) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under paragraph (1) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the number is greater than 1917 but less than 5,938, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, and 1.075 for children counted under paragraph (1) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, and 1.150 for children counted under paragraph (1) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, and 1.225 for children counted under paragraph (1) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, 1.225 for a number of children counted under paragraph (1) equal to 57,800 and 1.30 for children counted under paragraph (1) in excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be not greater than 1.15.

"(B) If the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under section 1123(a)(2), then the Secretary shall substitute the percentages, numbers, and quintiles described in section 1124(b)(3) for the percentages, numbers, and quintiles described in subparagraph (A).

"(d) STATE MINIMUM.—

"(1) MINIMUM.—For any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than

one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2) SPECIAL RULE.—A State shall not be allotted in any fiscal year more than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.

"(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1 of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"SEC. 1124. WITHIN STATE ALLOCATIONS.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b)(1) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.

"(2) HOLD HARMLESS.—(A) Except as provided in subparagraph (B), each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under subparagraph (A) for such year, the State educational agency shall ratably reduce the allocations to such local educational agencies for such year.

"(ii) If additional funds become available for making payments under subparagraph (A) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—

"(i) are not eligible for assistance under paragraph (1); and

"(ii) serve a school attendance area for which the percentage of children counted under subsection (b)(1) that are enrolled in the schools in such area exceeds—

"(I) the percentage of such children in the State; or

"(II) 25 percent.

"(B) The total amount of funds awarded to each local educational agency receiving a grant under this paragraph when added to funds made available under paragraph (2) shall not exceed—

"(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and

"(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b)(1) in such agency's school attendance areas described in subparagraph (A)(ii).

"(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the percentage of children from low-income families in each local educational agency's school attendance area described in subparagraph (A)(ii).

"(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

"(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

"(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) In determining the number of children eligible to be counted under subparagraph (A), a State educational agency shall use for each local educational agency served by such State educational agency—

"(i) data from the Bureau of the Census regarding the number of children determined in accordance with section 1123(c)(1)(B);

"(ii) data based on the sum of—

"(I) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

"(II) the number of children with limited-English proficiency served by such agency divided by three; or

"(iii) data based on other poverty criteria, including combinations of the data described in clauses (i) and (ii) and combinations of the data described in either such clause and other data, that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children determined in accordance with section 1123(c)(1)(B) in the State, except that the State educational agency may submit to the Secretary for approval alternative data that more accurately target poverty.

"(2) ABSORPTION.—In determining the number of children to be counted under this paragraph for each local educational agency, the State educational agency shall subtract 1 percent of the total number of children aged 5 to 17, inclusive, served by such local educational agency from the number of children counted under paragraph (1) for such local educational agency.

"(3) WEIGHTED CHILDREN.—From funds made available under section 1123, each State educational agency shall allocate such funds to local educational agencies in the State on the basis of the number of children counted under paragraph (2) for a local educational agency multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (2) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating

grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agency may submit to the Secretary for approval State-specific quintiles for use in the following percentages or numbers for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population and 1.150 for children counted under paragraph (2) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, and 1.300 for children counted under paragraph (2) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, and 1.450 for children counted under paragraph (2) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under paragraph (2) equal to 7.315 percent of the total school age population, and 1.600 for children counted under paragraph (2) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under paragraph (2) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, and 1.10 for children counted under paragraph (2) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, and 1.20 for children counted under paragraph (2) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, and 1.30 for children counted under paragraph (2) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, 1.30 for a

number of children counted under paragraph (2) equal to 35,090 and 1.40 for children counted under paragraph (2) in excess of 42,000.

"(4) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

"(5) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (ii) of section 1123(c)(1)(A), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

"(6) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

"PART B—TRANSITION TO SUCCESS

"SEC. 1201. TRANSITION TO SUCCESS.

"(a) SHORT TITLE.—This part may be cited as the 'Transitions to Success Act of 1994'.

"(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

"(1) FUNDING.—(A) Notwithstanding any other provision of law, from amounts appropriated to carry out part A for each fiscal year the Secretary shall reserve 1 percent of the total amount made available to all States under such part for such fiscal year, to carry out this part for such year.

"(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

"(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

"(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

"(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to

develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving priority to students entering their first year of elementary school) and their families in—

"(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

"(B) supporting the active involvement of parents in the education of their children.

"(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.

"(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.

"(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities assisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—

"(1) collect information on program activities and outcomes; and

"(2) disseminate information on model programs.

"(d) ELIGIBILITY.—

"(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—

"(A) receives funds under part A;

"(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the school district of such local educational agency, including, where available, Head Start programs; and

"(C) agrees to contribute an amount equal to \$1 of matching funds for every \$1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).

"(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.

"(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).

"(f) REQUIREMENTS.—

"(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants under this part to consortia in both rural and urban areas.

"(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—

"(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;

"(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and

"(C) the quality of information and plans in the application.

"(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—

"(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest number or percentage of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(g) APPLICATION.—

"(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—

"(A) a description of the activities and services for which assistance is sought;

"(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;

"(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;

"(D) a plan for the development of a supportive services team of family service coordinators to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;

"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

"(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—

"(1) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and

"(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;

"(E) the designation of a member of the supportive services team described in subparagraph

(D) who will serve as the supervisor of such supportive services team;

"(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in subparagraph (D);

"(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);

"(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;

"(I) a description of the supportive services to be provided, directly or through referral;

"(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;

"(K) assurances that, and a plan describing how, families will be involved in the design and operation of the program assisted under this part;

"(L) a description of the Federal and non-Federal resources that will be used to carry out the program;

"(M) if the applicant is receiving assistance through a program under the Follow Through Act—

"(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and

"(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;

"(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;

"(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired;

"(P) program goals and a methodology to measure progress toward achieving such goals; and

"(Q) such other information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.

"(h) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.

"(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).

"SEC. 1202. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation

of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) **ACTIVITIES.**—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) **COORDINATION OF REGULATIONS.**—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"SEC. 1203. DEFINITIONS.

"As used in this part:

"(1) **DEVELOPMENTALLY APPROPRIATE CURRICULUM.**—The term 'developmentally appropriate curriculum' means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.

"(2) **FAMILY SERVICES COORDINATOR.**—The term 'family services coordinator' means an individual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.

"(3) **HEAD START AGENCY.**—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(4) **SUPPORTIVE SERVICES.**—The term 'supportive services' means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART C—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1301. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—

"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

"(2) promote achievement of the National Education Goals; and

"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

"SEC. 1302. PROGRAM AUTHORIZED.

"(a) **RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.**—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(1) children of migratory workers;

"(2) the outlying areas; and

"(3) Indian tribes and tribal organizations.

"(b) **RESERVATION FOR FEDERAL ACTIVITIES.**—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1309; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) **RESERVATION FOR GRANTS.**—

"(1) **GRANTS AUTHORIZED.**—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed \$1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy resource centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.

"(2) **MATCHING REQUIREMENT.**—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) **STATE ALLOCATION.**—

"(1) **IN GENERAL.**—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) **ALLOCATIONS.**—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under section 1122 to that State bears to the total amount allocated under that section to all the States.

"(3) **MINIMUM.**—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than \$250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

"(e) **DEFINITIONS.**—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;

"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to

family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

"(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1303. STATE PROGRAMS.

"(a) **STATE LEVEL ACTIVITIES.**—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

"(b) **SUBGRANTS FOR LOCAL PROGRAMS.**—

"(1) **IN GENERAL.**—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) **MINIMUM.**—No State shall award a subgrant under paragraph (1) in an amount less than \$75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of \$75,000 or greater, less than \$75,000 is available to the State to award such subgrants.

"SEC. 1304. USES OF FUNDS.

"(a) **IN GENERAL.**—In carrying out a program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents obtain educational skills and become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) **FEDERAL SHARE LIMITATION.**—

"(1) **IN GENERAL.**—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated.

"(2) **WAIVER.**—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

"(3) **PROHIBITION.**—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

"SEC. 1305. PROGRAM ELEMENTS.

"Each program assisted under this part shall—

"(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of a parent who is an eligible participant, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and location of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include qualified personnel to develop, administer, and implement the program assisted under this part;

"(6) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

"(9) be coordinated with—

"(A) other programs assisted under this title and Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

"(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

"(13) provide for an independent evaluation of the program.

"SEC. 1306. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local

educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"SEC. 1307. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) PLAN.—

"(1) IN GENERAL.—Each such application shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1305;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or eligible organizations in carrying out the program for which assistance is sought; and

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"SEC. 1308. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1305;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A of this title;

"(C) provide services for at least a three-year age range;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the remaining cost required by section 1304(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for a second subgrant period.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting

such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"SEC. 1309. EVALUATION.

"From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

"SEC. 1310. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART D—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1401. PROGRAM PURPOSE.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1402. PROGRAM AUTHORIZED.

"(a) **IN GENERAL.**—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"(b) **DEFINITIONS.**—As used in this part—

"(1) the term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly; and

"(2) the term 'migratory child' means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"SEC. 1403. STATE ALLOCATIONS.

"(a) **STATE ALLOCATIONS.**—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) **ALLOCATION TO PUERTO RICO.**—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.

"(1) **IN GENERAL.**—(A) If, after the Secretary reserves funds under section 1408(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

"(2) **SPECIAL RULE.**—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.

"(1) **IN GENERAL.**—In the case of any State that receives a grant of \$500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or another appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) **PROPOSALS.**—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) **APPROVAL.**—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or

educational attainment of children to be served under this part.

"(e) **DETERMINING NUMBERS OF ELIGIBLE CHILDREN.**—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

"(2) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and

"(B) the additional costs of operating such programs.

"SEC. 1404. STATE APPLICATIONS; SERVICES.

"(a) **APPLICATION REQUIRED.**—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) **PROGRAM INFORMATION.**—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).

"(c) **ASSURANCES.**—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;

"(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;

"(3) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A; and

"(4) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(5) the State will assist the Secretary in determining the number of migratory children under section 1403(e), through such procedures as the Secretary may require.

"(d) **PRIORITY FOR SERVICES.**—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

"(e) **CONTINUATION OF SERVICES.**—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

"SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) **SECRETARIAL APPROVAL.**—The Secretary shall approve each application under this part that meets the requirements of this part.

"(b) **PEER REVIEW.**—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) **COMPREHENSIVE PLAN.**—

"(1) **IN GENERAL.**—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(B) specifies measurable program goals and outcomes;

"(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(E) provides for the integration of services available under this part with services provided by such other programs.

"(2) **DURATION OF THE PLAN.**—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) **AUTHORIZED ACTIVITIES.**—

"(1) **IN GENERAL.**—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A;

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A; and

"(C) funds received under this part shall be used only—

"(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

"(ii) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.

"(2) **CONSTRUCTION.**—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) **INAPPLICABILITY.**—This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114.

"SEC. 1407. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) **IMPROVEMENT OF COORDINATION.**—

"(1) **IN GENERAL.**—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) **EXTENSION.**—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(b) **REPORT.**—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) **AVAILABILITY OF FUNDS.**—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than

\$6,000,000 of the amount appropriated to carry out this part for such year.

"(d) **INCENTIVE GRANTS.**—From the amounts made available to carry out this section, the Secretary may reserve not more than \$1,500,000 to award grants in amounts of not more than \$100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.

"(a) **PURPOSE.**—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that such children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

"(2) provide such children the services such children need to make a successful transition from institutionalization to further schooling or employment.

"(b) **PROGRAM AUTHORIZED.**—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

"SEC. 1502. ELIGIBILITY.

"A State agency is eligible for assistance under this part if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"SEC. 1503. ALLOCATION OF FUNDS.

"(a) **SUBGRANTS TO STATE AGENCIES.**—

"(1) **IN GENERAL.**—Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children described in section 1502 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) **SPECIAL RULE.**—The number of neglected or delinquent children determined under paragraph (1) shall—

"(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) **SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.**—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) **RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.**—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) **PAYMENTS TO STATE EDUCATIONAL AGENCIES.**—

"(1) **IN GENERAL.**—The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) **ADMINISTRATIVE EXPENSES.**—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1701(b).

"SEC. 1504. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) **STATE PLAN.**—

"(1) **IN GENERAL.**—Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed to satisfy the requirements of this section.

"(2) **CONTENTS.**—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

"(ii) carry out the evaluation requirements of section 1509 of this part.

"(3) **DURATION OF THE PLAN.**—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) **SECRETARIAL APPROVAL; PEER REVIEW.**—

"(1) **IN GENERAL.**—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) **PEER REVIEW.**—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) **STATE AGENCY APPLICATIONS.**—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A, to as-

sess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1507 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other staff; and

"(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

"SEC. 1506. USE OF FUNDS.

"(a) **IN GENERAL.**—

"(1) **IN GENERAL.**—A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan described in section 1505(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) **USES.**—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn such standards;

"(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

"(D) may include the costs of meeting the evaluation requirements of section 1509.

"(b) **SUPPLEMENT, NOT SUPPLANT.**—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1120(b) without regard to the subject areas in which instruction is given during those hours.

"SEC. 1507. INSTITUTION-WIDE PROJECTS.

"(a) **PROJECTS AUTHORIZED.**—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

"(2) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(4) specifically describes how such funds will be used;

"(5) describes the measures and procedures that will be used to assess student progress;

"(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"(b) **PROJECTS REQUIRED.**—Beginning with school year 1996-1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as provided in section 1510.

"SEC. 1508. THREE-YEAR PROJECTS.

"If a State agency operates a program or project under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

"SEC. 1509. PROGRAM EVALUATIONS.

"(a) **SCOPE OF EVALUATION.**—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school and obtain employment after participants leave the institution.

"(b) **EVALUATION MEASURES.**—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) **EVALUATION RESULTS.**—Each State agency shall—

"(1) submit the results of each evaluation under this section to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1510. TRANSITION SERVICES.

"(a) **TRANSITION SERVICES.**—Each State agency may reserve not more than 10 percent of the amount such agency receives under this part for

any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1511. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age;

"(2) the term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children;

"(3) the term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision; and

"(4) the term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"SEC. 1601. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

"(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

"(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

and

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments and evaluations required under this part and consistent with measuring the achievement of students relative to high State content standards and State student performance standards;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—

"(1) conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) use such a method, if one exists, to provide the Congress with such estimates.

"SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;

"(B) coordinated pupil services programs;

"(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

"(D) effective approaches to whole school reform;

"(E) programs that have been especially effective with limited-English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(F) programs which are especially effective in recruiting, inducting and retraining highly qualified teachers for service in schools with low student achievement.

"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"PART G—GENERAL PROVISIONS

"SEC. 1701. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is

compliance with the specific requirements and assurances required by this title.

"(b) PROCEDURE.—

"(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this title.

"(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.

"(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this title must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.

"(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1702. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SPECIAL RULE.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's challenging State content standards and challenging State student performance standards.

"(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of such State's duties under this title, the greater of—

"(1)(A) 1.00 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) 1.25 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than \$500,000,000 but less than \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(C) 1.50 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appro-

riated to carry out such subsections exceeds by \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995;

"(2) except as provided in paragraph (3)—

"(A) \$375,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) \$470,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than \$500,000,000 but less than \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(C) \$565,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or

"(3) in the case of an outlying area—

"(A) \$50,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);

"(B) \$65,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than \$500,000 but less than \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; and

"(C) \$80,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by \$1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995.

"(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—

"(1) .75 percent of the funds received under subsections (a), (c), (d), (e), and (f) of section 1002;

"(2) except as provided in paragraph (3),

\$245,000; or

"(3) in the case of an outlying area, \$40,000.

"(d) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"SEC. 1703. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national

school building standards for a State, local educational agency, or school.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds as follows:

"(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

"(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.

"(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, administrators, and pupil services personnel in a school and, through professional networks of teachers, administrators, pupil services personnel, and parents is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and

"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

"(4) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

"(5) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in intervention strategies to—

"(A) alleviate the need, and inappropriate referral, for special education services; and

"(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program.

"(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.

"(7) Professional development is often a victim of budget reductions in fiscally difficult times.

"(8) There are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities.

"(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents the training and development necessary to enable parents to participate fully and effectively in their children's education.

"(10) The Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

"SEC. 2102. PURPOSES.

"It is the purpose of this part—

"(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated \$800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

"(2) 93.75 percent of such amounts to carry out subpart 2; and

"(3) 1.25 percent of such amounts to carry out subpart 3.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

"(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

"The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State content standards and challenging State student performance standards;

"(10) the development of innovative intervention strategies to—

"(A) alleviate the need, and inappropriate referral, for special education services; and

"(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program;

"(11) encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups;

"(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

"(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

"(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

"SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

"(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse').

"(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

"(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

"(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

"(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

"(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

"(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(e) **SUBMISSION TO CLEARINGHOUSE.**—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(f) **PEER REVIEW.**—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

"(g) **STEERING COMMITTEE.**—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(h) **APPLICATION OF COPYRIGHT LAWS.**—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(i) **DISSEMINATION OF INFORMATION.**—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

"SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.

"(a) **SHORT TITLE; FINDINGS; DEFINITIONS.**—

"(1) **SHORT TITLE.**—This section may be cited as the 'National Teacher Training Project Act of 1994'.

"(2) **FINDINGS.**—The Congress finds that—

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

"(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

"(N) less than \$16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991-1992;

"(O) for every dollar in Federal support, the National Writing Project provides over \$5 in matching funds from States, local universities and schools, and the private sector;

"(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

"(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) **DEFINITIONS.**—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) **GRANTS AUTHORIZED.**—

"(1) **GRANTS TO ELIGIBLE RECIPIENTS.**—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the 9 core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) **CORE SUBJECT AREAS.**—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core academic subjects:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) **NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.**—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

"(4) **EQUITABLE DISTRIBUTION.**—The Secretary shall award grants under paragraph (1) to eligi-

ble recipients from different geographic areas of the United States.

"(5) **SPECIAL RULE.**—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

"(6) **ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.**—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) **GRANT REQUIREMENTS.**—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) **TEACHER TRAINING PROGRAMS.**—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

"(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) **FEDERAL SHARE.**—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor.

"(f) **APPLICATION.**—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(g) **PARTICIPANTS AND SELECTION PROCESS.**—The selection process for participation in a teacher training program described in subsection (b) shall—

"(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

"(2) involve an application process to select participants for a summer program;

"(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

"(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

"(h) **LIMITATION.**—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

"Subpart 2—State and Local Activities"**"SEC. 2121. PROGRAM AUTHORIZED."**

"The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels."

"SEC. 2122. ALLOCATION OF FUNDS."

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(1) 1/2 of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

"(2) 1/2 of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs."

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the amount available to carry out this subpart and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such amount:

"(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data."

"(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year."

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection."

"SEC. 2123. WITHIN-STATE ALLOCATIONS."

"Of the amounts received by any State under this subpart for any fiscal year—

"(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

"(B) not more than 5 percent may be used for State-level activities under section 2126; and

"(C) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education."

"SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE."

"(a) APPROPRIATION OF LESS THAN \$250,000,000.—In any fiscal year for which the amount appropriated for this part is less than \$250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science."

"(b) APPROPRIATION EQUAL TO OR ABOVE \$250,000,000.—In any fiscal year for which the amount appropriated for this part is at least \$250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of \$250,000,000 plus at least 10 percent of the amount appropriated for this part for such year in excess of \$250,000,000 bears to the total amount appropriated for this part for such year."

"SEC. 2125. STATE APPLICATIONS."

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require."

"(b) PROFESSIONAL DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section."

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

"(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

"(E) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards;

"(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in intervention strategies to—

"(i) alleviate the need, and inappropriate referral, for special education services; and

"(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program;

"(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

"(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

"(K) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards;

"(L) set specific outcome performance indicators for professional development; and

"(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children."

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart."

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

"(B) State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130."

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part."

"(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators."

"SEC. 2126. STATE LEVEL ACTIVITIES."

"Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies to help such schools and agencies provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

"(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content standards and challenging State student performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science;

"(10) professional development designed to—
"(A) provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with such child's individualized education program; and

"(B) develop skills needed for effective intervention teaching strategies to alleviate the need, and in appropriate referral, for special education services;

"(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

"(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

"(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the

Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency that desires a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every 3 years.

"(b) CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that—

"(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

"(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

"(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

"(E) includes strong academic content and pedagogical components;

"(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science, by students from historically underrepresented groups;

"(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

"(H) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of educational service agencies;

"(B) services of institutions of higher education;

"(C) State and local funds;

"(D) resources provided under part A of title I and other provisions of this Act;

"(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

"(F) resources provided under parts B and D of the Individuals with Disabilities Education Act; and

"(G) funds received from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities;

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

"(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

"(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

"(1) remain in effect for the duration of the local educational agency's participation under this subpart; and

"(2) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this subpart.

"SEC. 2128. LOCAL COST-SHARING.

"(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this subpart.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) Part A of title I.

"(ii) Parts B and D of the Individuals with Disabilities Education Act.

"(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

"(iv) Bilingual Education Programs under part A of title VII.

"(v) The Women's Educational Equity Act of 1994.

"(vi) Title III of the Goals 2000: Educate America Act.

"(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

"SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

"(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the participation of administrators, policymakers, and parents.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a

school environment conducive to high achievement in the core academic subjects;

"(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;

"(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

"(4) support and time for teachers, pupil services personnel and other school staff to learn and implement effective intervention or collaboration for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program;

"(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;

"(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;

"(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;

"(8) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

"(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

"(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

"(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

"(12) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited-English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects;

"(13) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

"(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such

teachers with practical support and increase retention;

"(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;

"(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;

"(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

"(18) developing strategies and programs to more effectively involve parents in the education of their children;

"(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(20) release time with pay for teachers; and

"(21) professional development in experiential-based teaching methods such as service learning.

"SEC. 2130. HIGHER EDUCATION ACTIVITIES.

"(a) IN GENERAL.—

"(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.

"(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

"(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;

"(2) preservice training activities; and

"(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.

"SEC. 2131. CONSORTIUM REQUIREMENT.

"(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than \$10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

"(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if

distances or traveling time between schools make formation of the consortium more costly or less effective.

"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).

"Subpart 3—Professional Development Demonstration Project

"SEC. 2141. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

"(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

"(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and

"(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

"(b) PURPOSE.—It is the purpose of this subpart—

"(1) to address the need for professional development with a primary focus on teachers;

"(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and

"(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

"SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.

"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term 'eligible partnership' means a partnership consisting of—

"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

"(2) other partners that—

"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

"(B) may include a business partner or a non-profit organization with a demonstrated record in staff development.

"SEC. 2143. GRANTS.

"(a) AUTHORITY.—

"(1) **IN GENERAL.**—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

"(2) **DISTRIBUTION.**—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) **NUMBER OF GRANTS.**—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

"(b) GRANT REQUIREMENTS.—

"(1) **DURATION.**—The Secretary shall award—
 "(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

"(B) implementation grants under this subpart for a period of four fiscal years.

"(2) **AMOUNT.**—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this subpart shall exceed \$500,000 in any one fiscal year.

"SEC. 2144. PLAN.

"Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

"(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

"(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

"(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

"(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

"(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

"SEC. 2145. TECHNICAL ASSISTANCE.

"The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

"SEC. 2146. MATCHING FUNDS.

"The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

"Subpart 4—General Provisions

"SEC. 2151. REPORTING AND ACCOUNTABILITY.

"(a) **STATES.**—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted under this part.

"(b) **LOCAL EDUCATIONAL AGENCIES.**—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

"(c) **FEDERAL EVALUATION.**—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

"SEC. 2152. DEFINITIONS.

"As used in this part—

"(1) the term 'core academic subjects' means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

"(2) the term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development; and

"(3) the term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations;

"(C) pass rates on teacher examinations for initial and continuing certification or licensure;

"(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(E) specific increases in the number of teachers licensed in each core academic subject.

"PART B—NATIONAL WRITING PROJECT

"SEC. 2201. SHORT TITLE.

"This part may be cited as the 'National Writing Project Act'.

"SEC. 2202. FINDINGS.

"The Congress finds that—

"(1) the United States faces a crisis in writing in schools and in the workplace;

"(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

"(3) over the past 2 decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

"(5) writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

"(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(17) independent evaluation studies have found the National Writing Project to be highly

cost-effective compared to other professional development programs for teachers; and

"(18) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the \$1,951,975 in Federal support with \$9,485,504 in matching funds from State, local, and other sources."

"SEC. 2203. NATIONAL WRITING PROJECT."

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

"(2) to support classroom research on effective teaching practice and to document student performance;

"(3) to coordinate activities assisted under this section with activities assisted under part A; and

"(4) to pay the Federal share of the cost of such programs."

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section."

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs."

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor."

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary."

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed \$40,000 for any one contractor, or \$200,000 for a statewide program administered by any one contractor in at least five sites throughout the State."

"(e) CLASSROOM TEACHER GRANTS.—

"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

"(A) conduct classroom research;

"(B) publish models of student writing;

"(C) conduct research regarding effective practices to improve the teaching of writing; and

"(D) conduct other activities to improve the teaching and uses of writing."

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1)."

"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed \$2,000."

"(f) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board."

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project deems necessary."

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project."

"(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress."

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, \$4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section."

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS"

"Subpart 1—Comprehensive Regional Centers"

"SEC. 2301. FINDINGS."

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State content standards and challenging State student performance standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

"(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs assisted under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department."

"SEC. 2302. PURPOSE."

"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act;

"(2) implementing school reform programs; and

"(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards."

"SEC. 2303. PROGRAM AUTHORIZED."

"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs."

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, community-based organizations, and others who are recipients of funds under this Act."

"SEC. 2304. ELIGIBLE ENTITIES."

"The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of such agencies and organizations."

"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS."

"Each comprehensive regional center established under section 2303(a) shall—

"(I) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems;

"(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

"(J) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

"SEC. 2307. TRANSITION.

"(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated \$70,000,000 for fiscal year 1995 and such sums as

may be necessary for each of the 4 succeeding fiscal years.

"Subpart 2—National Diffusion Network

"SEC. 2311. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

"(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

"(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(2) identify needs for assistance throughout the State, including educational technology needs;

"(3) provide professional development and technical assistance services;

"(4) promote and facilitate teacher networks throughout the State; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

"(c) COORDINATION AND ADMINISTRATION.—

"(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

"(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Eisenhower Regional Mathematics and Science Education Consortia

"SEC. 2321. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than \$4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

"(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"SEC. 2322. USE OF FUNDS.

"Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

"(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

"(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

"(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

"(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

"(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

"SEC. 2323. APPLICATION AND REVIEW.

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations

for awards of grants or contracts under this subpart. The Secretary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

"SEC. 2324. REGIONAL BOARDS.

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

"SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2323 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

"SEC. 2326. EVALUATION.

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

"SEC. 2327. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'eligible entity' means—

"(A) a private nonprofit organization of demonstrated effectiveness;

"(B) an institution of higher education;

"(C) an elementary or secondary school;

"(D) a State or local educational agency;

"(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

"(F) any combination of the entities described in subparagraphs (A) through (E), with demonstrated expertise in mathematics and science education.

"(2) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.

"(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section

was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act.

"(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 2311.

"(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

"SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

"PART D—TERRITORIAL TEACHER TRAINING PROGRAM

"SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.

"There are authorized to be appropriated \$2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"SEC. 2501. PROJECT AUTHORIZED.

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 2502. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

"(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is

sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) **APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.**—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.

"SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, \$5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"TITLE III—TECHNOLOGY FOR EDUCATION

"SEC. 3001. SHORT TITLE.

"This title may be cited as the 'Technology for Education Act of 1994'.

"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS

"SEC. 3111. FINDINGS.

"The Congress finds that—

"(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

"(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

"(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

"(B) the inability of many State and local educational agencies to invest in and support needed technologies;

"(C) the lack of appropriate electrical and telephone connections in the classroom; and

"(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;

"(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and industry in the quest for knowledge and the process of learning;

"(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;

"(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

"(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

"(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

"(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of tech-

nology to different groups of students and make it a priority to serve those students in greatest need;

"(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

"(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.

"SEC. 3112. STATEMENT OF PURPOSE.

"It is the purpose of this part—

"(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;

"(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;

"(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;

"(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

"(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;

"(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and

"(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

"SEC. 3113. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

"(2) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;

"(3) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

"(4) the terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

"(5) the term 'local educational agency' includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs;

"(6) the term 'Office' means the Office of Educational Technology;

"(7) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

"(8) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and

"(9) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.

"Subpart 1—National Programs in Technology for Education

"SEC. 3121. PURPOSES.

"It is the purpose of this subpart to promote achievement of the National Education Goals and—

"(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—

"(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State, tribal, and local levels;

"(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

"(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

"(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

"(2) to promote awareness of the potential of technology for improving teaching and learning;

"(3) to support State and local efforts to increase the effective use of technology for education;

"(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;

"(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;

"(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and

"(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

"SEC. 3122. FEDERAL LEADERSHIP.

"(a) **ACTIVITIES AUTHORIZED.**—

"(1) **IN GENERAL.**—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the

Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.

"(2) **TRANSFER OF FUNDS.**—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.

"(b) **NATIONAL LONG-RANGE TECHNOLOGY PLAN.**—

"(1) **IN GENERAL.**—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this subpart.

"(2) **PLAN REQUIREMENTS.**—The Secretary shall—

"(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(B) transmit such plan to the President and to the appropriate committees of the Congress; and

"(C) publish such plan in a form that is readily accessible to the public.

"(3) **CONTENTS OF THE PLAN.**—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

"(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

"(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

"(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(D) how the Secretary will promote—

"(i) higher achievement of all students through the integration of technology into the curriculum;

"(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(iii) the use of technology to assist in the implementation of State systemic reform strategies;

"(iv) the application of technological advances to use in education; and

"(v) increased opportunities for the professional development of teachers in the use of new technologies;

"(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

"(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and

"(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"(c) **ASSISTANCE.**—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

"(d) **USES OF FUNDS.**—

"(1) **IN GENERAL.**—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—

"(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

"(B) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;

"(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

"(D) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

"(E) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

"(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

"(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

"(J) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

"(K) conferences on, and dissemination of information regarding, the uses of technology in education;

"(L) the development of model strategies to promote gender equity in the use of technology;

"(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

"(N) such other activities as the Secretary determines will meet the purposes of this subpart.

"(2) **SPECIAL RULES.**—

"(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.

"(B) Each grant or contract under this section shall be awarded—

"(i) on a competitive basis; and

"(ii) pursuant to a peer review process.

"(e) **NON-FEDERAL SHARE.**—

"(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) **INCREASE.**—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) **MAXIMUM.**—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"**SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.**

"(a) **GRANTS AUTHORIZED.**—

"(1) **AUTHORITY.**—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) **REQUIREMENTS.**—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(3) **SPECIAL RULE.**—Each consortium receiving a grant under this section shall use not less than 80 percent of the grant funds to carry out paragraph (2) of subsection (b).

"(b) **FUNCTIONS.**—

"(1) **TECHNICAL ASSISTANCE.**—Each consortium receiving a grant under this section shall—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, and schools on the types and features

of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers to train other teachers; and

"(ii) distance educational professional development, including—

"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate entities assisted in whole or in part by the Department.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

"(b) FEDERAL ASSISTANCE AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.

"(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—

"(A) that shall include—

"(i) a State or local educational agency; and

"(ii) a business, industry or telecommunications entity; and

"(B) that may include—

"(i) a public or private nonprofit organization; or

"(ii) a postsecondary institution.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—

"(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;

"(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;

"(C) in consultation with classroom teachers;

"(D) through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

"(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

"(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

"(A) a description of how the product will improve the achievement levels of students;

"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

"(E) plans for dissemination of products to a wide audience of learners;

"(F) provisions for closed captioning or descriptive video, where appropriate;

"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

"(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

"(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated \$50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide direction and support for the conduct of research on advanced educational technologies; and

"(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.

"(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology

policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.

"(c) **GRANTS AUTHORIZED.**—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.

"(d) **APPLICATION.**—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;

"(2) describe the potential market for both the hardware and software developed under this section; and

"(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3126. HIGH PERFORMANCE EDUCATIONAL COMPUTING AND TELECOMMUNICATIONS NETWORKS.

"(a) **PURPOSE.**—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance computing and communication and the national information infrastructure in—

"(1) providing professional development for teachers and other educators, as appropriate;

"(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with opportunities to meet challenging State student performance standards;

"(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;

"(4) facilitating an effective transition from secondary school to employment; and

"(5) other such areas of education as the Secretary deems appropriate.

"(b) **AUTHORITY.**—

"(1) **IN GENERAL.**—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.

"(B) In carrying out subparagraph (A) the Secretary shall—

"(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—

"(I) avoid duplication; and

"(II) utilize the existing resources of the Department;

"(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;

"(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information Sys-

tem regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and

"(iv) make use of existing networks or developing networks, to the extent possible.

"(2) **REQUIREMENTS, SPECIFICATIONS, AND PROTOTYPE OPERATIONS.**—The Secretary is authorized to—

"(A) identify educational high performance computing and telecommunications network requirements;

"(B) develop specifications for the implementation of such requirements within any national telecommunications network;

"(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;

"(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and

"(E) identify policy issues, such as communication rate structures and intellectual property rights, that affect the ability of the public schools to make effective use of the emerging information highways, and make recommendations to the Congress regarding such issues.

"(c) **TYPES OF GRANTS.**—The Secretary, through the Office of Educational Technology, shall award the following types of grants:

"(1) **REQUIREMENTS GRANTS.**—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—

"(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;

"(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;

"(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—

"(i) technological impediments;

"(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and

"(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;

"(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and

"(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.

"(2) **SPECIFICATIONS GRANTS.**—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—

"(A) incorporate—

"(i) the findings of the grant recipients under paragraph (1); and

"(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;

"(B) provide for design alternatives and specifications that address—

"(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;

"(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;

"(iii) integrated uses of two-way interactive voice, video, and data communications;

"(iv) uses of interactive multimedia;

"(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;

"(vi) availability of needed technologies;

"(vii) availability of support services; and

"(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and

"(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.

"(3) **PROTOTYPE DEVELOPMENT GRANTS.**—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—

"(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);

"(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;

"(C) provide for inservice training and technical assistance during the period of prototype operations;

"(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);

"(E) include a comprehensive evaluation of all aspects of the prototype, including—

"(i) design flaws;

"(ii) training requirements, including resources and strategies for initial and on-going training;

"(iii) technical support requirements;

"(iv) financing constraints;

"(v) availability and utility of information resources and services accessed during the prototype operations period;

"(vi) factors which enhanced or impeded prototype operations; and

"(vii) an overall assessment of the impact of such technology on the educational process; and

"(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.

"(d) **TIMELINE.**—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:

"(1) **REQUIREMENT GRANTS.**—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.

"(2) **DEVELOPMENT OF DESIGN SPECIFICATIONS.**—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.

"(3) **PROTOTYPE OPERATIONS.**—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$7,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

"The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

"Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development

"SEC. 3131. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

"(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

"(2) regional consortia to enable such consortia to provide professional development and technical assistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

"(a) **GRANTS AUTHORIZED.**—

"(1) **AUTHORITY.**—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

"(A) purchase quality technology resources;

"(B) install various linkages necessary to acquire connectivity;

"(C) integrate technology into the curriculum in order to improve student learning and achievement;

"(D) provide teachers and library media personnel with training or access to training;

"(E) provide administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

"(G) assist schools in promoting parent involvement; and

"(H) assist the community in providing literacy-related services.

"(2) **AMOUNT.**—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in

any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

"(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than \$50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

"(3) **IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.**—Each State educational agency receiving a grant under this section shall—

"(A) identify the local educational agencies served by the State educational agency that—

"(i) have the highest number or percentage of children in poverty; and

"(ii) demonstrate to such State educational agency the greatest need for technical assistance in developing the application described in subsection (d); and

"(B) offer such technical assistance to such local educational agencies.

"(4) **LIMITATION ON STATE COSTS.**—Not more than 5 percent of grant funds awarded to a State educational agency under this section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

"(b) **SELECTION OF GRANTS.**—Each State educational agency, in awarding grants under this section, shall—

"(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

"(2) award grants to local educational agencies on a competitive basis.

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"(d) **LOCAL USES OF GRANT FUNDS.**—Each local educational agency receiving assistance under this section may use such assistance—

"(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

"(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

"(e) **LOCAL APPLICATIONS.**—Each local educational agency desiring assistance from a State educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies at times other than the regular school day;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

"(f) **COORDINATION OF APPLICATION REQUIREMENTS.**—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this section.

"Subpart 3—Special Rule Applicable to Appropriations"

"SEC. 3141. SPECIAL RULE.

"(a) APPROPRIATION OF LESS THAN \$50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than \$50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and

"(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.

"(b) APPROPRIATION EQUAL TO OR GREATER THAN \$50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than \$50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) the sum of \$25,000,000 plus 35 percent of such aggregate amount in excess of \$50,000,000 to carry out subpart 1 for such year; and

"(2) the sum of \$25,000,000 plus 65 percent of such aggregate amount in excess of \$50,000,000 to carry out subpart 2 for such year.

"PART B—STAR SCHOOLS PROGRAM"

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for broadcasting interactive training to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated \$35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) AMOUNT.—A grant made to an eligible telecommunications partnership under this part shall not exceed \$5,000,000 in any 1 fiscal year.

"(2) RESERVATIONS.—

"(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.

"(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.

"(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

"(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or

"(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):

"(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);

"(B) a State educational agency;

"(C) an institution of higher education or a State higher education agency;

"(D) a teacher training center or academy which—

"(i) provides teacher preservice and inservice training; and

"(ii) receives Federal financial assistance or has been approved by a State agency;

"(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or

"(ii) a public broadcasting entity with such experience; or

"(F) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;

"(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;

"(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local

educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

"(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

"(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

"(10) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance, such as national elections;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources, such as libraries and museums, into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;

"(J) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

"(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and

"(11) include such additional assurances as the Secretary may reasonably require.

"(c) **APPROVAL OF APPLICATION; PRIORITY.**—The Secretary, in approving applications under this part, shall give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institu-

tions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

"(C) provide instruction for students, teachers, and parents;

"(7) the eligible telecommunications partnership will serve a multistate area;

"(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;

"(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and

"(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) **GEOGRAPHIC DISTRIBUTION.**—In approving applications under this part, the Secretary shall assure an equitable geographic distribution of grants under this part.

"SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) **RESERVATION.**—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

"(b) **METHOD OF FUNDING.**—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) **USES OF FUNDS.**—

"(1) **LEADERSHIP.**—Funds reserved for leadership activities under subsection (a) may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) **EVALUATION.**—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under this part and such efforts that are not assisted under this part; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) **PEER REVIEW.**—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this part; and

"(B) activities assisted under this part.

"SEC. 3207. ADMINISTRATIVE PROVISIONS.

"(a) **CONTINUING ELIGIBILITY.**—

"(1) **IN GENERAL.**—In order to be eligible to receive a grant under this part for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) **SPECIAL RULES.**—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.

"(b) **FEDERAL ACTIVITIES.**—The Secretary may assist grant recipients under this part in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 3208. OTHER ASSISTANCE.

"(a) **SPECIAL STATEWIDE NETWORK.**—

"(1) **IN GENERAL.**—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) **STATE CONTRIBUTION.**—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) **SPECIAL LOCAL NETWORK.**—

"(1) **IN GENERAL.**—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) **PROGRAM REQUIREMENTS.**—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio and text communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) **SPECIAL RULE.**—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

"(4) **MATCHING REQUIREMENT.**—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"SEC. 3209. DEFINITIONS.

"As used in this part—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency;

"(2) the term 'instructional programming' means courses of instruction, training courses, and resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

"(3) the term 'public broadcasting entity' has the same meaning given that term by section 397 of the Communications Act of 1934; and

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"PART C—READY-TO-LEARN TELEVISION

"SEC. 3301. READY-TO-LEARN.

"(a) **IN GENERAL.**—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) **AVAILABILITY.**—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) **AWARDS.**—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

"(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) **CULTURAL EXPERIENCES.**—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3303. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

"Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

"(a) **ANNUAL REPORT TO SECRETARY.**—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

"(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) **REPORT TO CONGRESS.**—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

"SEC. 3307. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this part, \$30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

"(b) **SPECIAL PROJECTS.**—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 3303(1)(C).

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"SEC. 3401. SHORT TITLE.

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

"SEC. 3402. STATEMENT OF PURPOSE.

"It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

"SEC. 3403. PROGRAM AUTHORIZED.

"The Secretary is authorized to make allotments to State educational agencies under section 3404 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"SEC. 3404. ALLOTMENTS OF FUNDS.

"(a) **IN GENERAL.**—From the amount appropriated under section 3401 for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau according to their respective needs for assistance under this part; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

"(b) ALLOTMENT.—

"(1) **IN GENERAL.**—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) **MINIMUM.**—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) **RATABLE REDUCTIONS.**—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(c) **REALLOTMENT OF UNUSED FUNDS.**—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallocation from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallocated among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallocated to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

"(d) **DEFINITION.**—For the purposes of this part the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) **DATA.**—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

"SEC. 3405. STATE APPLICATION.

"(a) **APPLICATION.**—Each State educational agency desiring to receive an allotment under

this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) **CONTENTS OF APPLICATION.**—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

"(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for programs described in section 3406 for distribution of assistance under this part within the State; and

"(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) **STATE ADMINISTRATION.**—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

"SEC. 3406. LOCAL APPLICATION.

"(a) **APPLICATION.**—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

"(b) **CONTENTS OF APPLICATION.**—Each application described in subsection (a) shall—

"(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

"(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part,

except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

"(c) **PRIORITY.**—In awarding grants under this part, the State educational agency shall give priority to applications that—

"(1) assign highest priority to providing assistance to schools which—

"(A) are most seriously underequipped; or

"(B) serve large numbers or percentages of economically disadvantaged students;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

"(4) assign priority to providing equipment and materials for students in grades 1 through 6.

"SEC. 3407. PROGRAM REQUIREMENTS.

"(a) **COORDINATION.**—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3406(c); and

"(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) **CAPITAL IMPROVEMENTS.**—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

"SEC. 3408. FEDERAL ADMINISTRATION.

"(a) **TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.**—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

"(b) **REPORT.**—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

"SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM"

"SEC. 3501. PROGRAM AUTHORIZED."

"The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

"SEC. 3502. FUNDING REQUIREMENTS."

"(a) **IN GENERAL.**—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

"(b) SPECIAL RULE.—"

"(1) **AMOUNTS BELOW \$50,000,000.**—If the amount made available under subsection (a) for a fiscal year is less than \$50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) **AMOUNTS EQUAL TO OR EXCEEDING \$50,000,000.**—If the amount made available under subsection (a) for a fiscal year equals or exceeds \$50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

"SEC. 3503. STATE PLANS."

"In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

"SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES."

"From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION"

"SEC. 3601. SHORT TITLE."

"This part may be cited as the 'Buddy System Computer Education Act'.

"SEC. 3602. PURPOSE."

"It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the

learning experience, via computers, beyond the classroom environment in order to—

"(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

"(A) mastery of fundamental computer technology and applications;

"(B) improved written and visual communication skills;

"(C) improved critical thinking and problem solving abilities; and

"(D) improved ability to work in a collaborative, teamwork-driven environment;

"(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

"(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

"SEC. 3603. GRANT AUTHORIZATION."

"(a) GRANT PROGRAM.—"

"(1) **IN GENERAL.**—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

"(2) **AWARD BASIS.**—The Secretary shall award grants under this part on a competitive basis.

"(3) **PREFERENCE.**—In awarding grants under this part, the Secretary shall give preference to applications—

"(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

"(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

"(b) **SITE SELECTION AND PROJECT IMPLEMENTATION.**—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after funds are appropriated to carry out this part pursuant to the authority of section 3608.

"SEC. 3604. PROGRAM REQUIREMENTS."

"Each State receiving a grant to conduct a computer-based education project under this part shall—

"(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

"(2) ensure that each student in each of the classes participating in the project shall participate in the project;

"(3) conduct such project in not more than 7 public elementary schools within the State; and

"(4) ensure that each student participating in the project shall have access to a computer—

"(A) at school during the school year; and

"(B) at home during the school year and summer.

"SEC. 3605. APPLICATIONS."

"(a) **APPLICATION REQUIRED.**—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

"(b) **APPLICATION PERIOD.**—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

"SEC. 3606. USE OF FUNDS."

"Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

"SEC. 3607. EVALUATION."

"The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS."

"There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE"

"SEC. 4101. FINDINGS."

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet students from other students in the school; and

"(ii) students by racial characteristics;

"(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

"SEC. 4102. STATEMENT OF PURPOSE.

"The purpose of this title is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 4103. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 4104. DEFINITION.

"For the purpose of this title, the term 'magnet school' means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 4105. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 4106. APPLICATIONS AND REQUIREMENTS.

"(a) **APPLICATIONS.**—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) **INFORMATION AND ASSURANCES.**—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this title will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project seeks to increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

"(D) how funds under this title will be used to implement services and activities that are consistent with—

"(i) the State plan described in section 1111; and

"(ii) the local educational agency's plan described in section 1112; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this title for the purposes specified in section 4102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) **SPECIAL RULE.**—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 4107. PRIORITY.

"In approving applications under this title, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

"(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

"(4) propose to draw on comprehensive community involvement plans.

"SEC. 4108. USE OF FUNDS.

"(a) **IN GENERAL.**—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this title.

"(b) **SPECIAL RULE.**—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 4109. PROHIBITIONS.

"Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 4110. LIMITATION ON PAYMENTS.

"(a) **DURATION OF AWARDS.**—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

"(b) **LIMITATION ON PLANNING FUNDS.**—

"(1) **IN GENERAL.**—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(2) **SPECIAL RULE.**—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

"(c) **FEDERAL SHARE.**—

"(1) **IN GENERAL.**—The Federal share of the cost of any project assisted under this title shall not exceed 100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

"(2) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

"(d) **LIMITATION ON GRANTS.**—No local educational agency or consortium receiving a grant under this section shall receive more than \$4,000,000 under this part in any one fiscal year.

"(e) **AWARD REQUIREMENT.**—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

"SEC. 4111. INNOVATIVE PROGRAMS.

"(a) **IN GENERAL.**—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated \$120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority to using such amounts in excess of \$75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

"(c) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

"(A) how and the extent to which magnet school programs lead to educational quality and improvement;

"(B) the extent to which magnet school programs enhance student access to quality education;

"(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 5101. FINDINGS.

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to the physical and mental well-being of such students, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

"(6) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(7) Alcohol and tobacco are the most widely used drugs among young people. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is addictive, many tobacco users find it difficult to stop using tobacco once such users have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 5102. PURPOSE.

"The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities; and

"(5) public and private nonprofit organizations to conduct training, demonstrations, re-

search, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

"SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

"Subpart 1—State Grants for Drug and Violence Prevention Programs

"SEC. 5111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

"(4) may reserve not more than \$1,000,000 for the national impact evaluation required by section 5118(a).

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallocations may be made by the Secretary in the same manner as allotments are made under paragraph (1).

"(4) DEFINITION.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 5112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including the chief State school officer, the head

of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations; and

"(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.

"(b) **STATE EDUCATIONAL AGENCY FUNDS.**—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5116;

"(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);

"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(c) **GOVERNOR'S FUNDS.**—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 5114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 5114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) **PEER REVIEW.**—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) **INTERIM APPLICATION.**—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under

this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) **USE OF FUNDS.**—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) **STATE LEVEL PROGRAMS.**—

"(1) **IN GENERAL.**—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) evaluation activities required by this subpart.

"(2) **SPECIAL RULE.**—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) **STATE ADMINISTRATION.**—A State educational agency may use not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.

"(d) **LOCAL EDUCATIONAL AGENCY PROGRAMS.**—

"(1) **IN GENERAL.**—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) **DISTRIBUTION.**—(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high incidence of violence associated with prejudice and intolerance;

"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VII) high rates of referrals of youths to juvenile court;

"(VIII) high rates of expulsions and suspensions of students from schools; and

"(IX) high rates of reported cases of child abuse and domestic violence.

"(e) **REALLOCATION OF FUNDS.**—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"SEC. 5114. GOVERNOR'S PROGRAMS.

"(a) **USE OF FUNDS.**—

"(1) **IN GENERAL.**—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) **ADMINISTRATIVE COSTS.**—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) **PROGRAMS AUTHORIZED.**—

"(1) **IN GENERAL.**—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) **PEER REVIEW.**—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) **AUTHORIZED ACTIVITIES.**—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) age appropriate programs to prevent child abuse;

"(12) activities such as community service and service-learning projects; and

"(13) evaluating programs and activities assisted under this section.

"SEC. 5115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) **IN GENERAL.**—In order to be eligible to receive a distribution under section 5113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) **DEVELOPMENT.**—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) **CONTENTS OF APPLICATIONS.**—An application under this section shall contain—

"(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, and discipline prob-

lems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program);

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5112;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) **IN GENERAL.**—A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2) **CONSIDERATIONS.**—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds distributed to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under section 1111.

"SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) **PROGRAM REQUIREMENTS.**—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

"(b) **AUTHORIZED ACTIVITIES.**—A comprehensive drug and violence prevention program carried out under this subpart may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs,

promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse;

"(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) acquiring and installing metal detectors and hiring security personnel;

"(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

"(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(11) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5), (6), and (7) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

"SEC. 5117. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—

"(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 5114 and section 5113(b) and local programs under section 5113(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 5112.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

"(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 5121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under

section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this part;

"(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

"(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

"(8) developing and disseminating drug and violence prevention materials, including model curricula; and

"(9) other activities that meet unmet national needs related to the purposes of this part.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

"(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

"(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"Subpart 3—General Provisions

"SEC. 5131. DEFINITIONS.

"For the purposes of this part, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(3) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(4) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(5) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 5132. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 5133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 5201. SHORT TITLE.

"This part may be cited as the 'School Dropout Assistance Act'.

"SEC. 5202. PURPOSE.

"The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

"(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

"(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

"(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

"(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

"SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) **ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.**—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than \$2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) SPECIAL CONSIDERATION.

"(1) **IN GENERAL.**—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

"(2) **EDUCATIONAL PARTNERSHIPS.**—Educational partnerships under this subsection shall include—

"(A) a local educational agency; and

"(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

"(c) **AWARD OF GRANT.**—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational part-

nership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).

"(1) **IN GENERAL.**—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

"(2) **PEER REVIEW.**—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

"(e) FEDERAL SHARE.

"(1) **FEDERAL SHARE.**—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) **REMAINING COSTS.**—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) **NON-FEDERAL SHARE.**—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

"SEC. 5204. APPLICATION.

"(a) APPLICATION REQUIRED.

"(1) **IN GENERAL.**—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

"(2) **DURATION.**—Each such application shall be for a 3-year period.

"(b) **CONTENTS.**—Each such application shall—

"(1) provide documentation of—

"(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

"(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

"(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

"(3) include a plan for coordinated activities involving at least 1 secondary school and its

feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) **PRIORITY.**—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

"(d) **SPECIAL CONSIDERATION.**—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) **GRANTS FOR NEW GRANTEES.**—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

"SEC. 5205. AUTHORIZED ACTIVITIES.

"Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students re-entering school;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out;

"(B) intervene in the instructional program with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and dropouts and between youth gangs

and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

"(11) the study of the relationship between disabling conditions and student dropouts;

"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;

"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

"(17) summer employment programs;

"(18) occupational training programs;

"(19) career opportunity and skills counseling;

"(20) job placement services;

"(21) the development of skill employment competency testing programs;

"(22) special school staff training projects; and

"(23) mentoring programs.

"SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);

"(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.

"SEC. 5207. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.

"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

**"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS
"PART A—BILINGUAL EDUCATION PROGRAMS**

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS.

"The Congress finds that—

"(1) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

"(2) limited-English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

"(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited-English proficiency;

"(4) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited-English proficient children and youth an equal educational opportunity;

"(5) in carrying out the Federal Government's responsibilities with respect to ensuring equal educational opportunity for children and youth of limited-English proficiency, the Federal Government has learned that—

"(A) large numbers of such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;

"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

"(C) the use of a child or youth's native language and culture in classroom instruction can—

"(i) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children and youth;

"(ii) benefit English proficient children and youth who also participate in such programs; and

"(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

"(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

"(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and

other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States.

"SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.

"(a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—

"(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas;

"(3) develop bilingual skills and multicultural understanding; and

"(4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated \$215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 7104. DEFINITIONS.

"For the purpose of this title:

"(1) BILINGUAL EDUCATION PROGRAM.—(A) The term 'bilingual education program'—

"(i) means a program of instruction designed specifically for children and youth of limited-English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended—

"(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and

"(II) to achieve to high academic standards in all courses of study; and

"(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs shall develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English, to develop overall linguistic competence, and to develop competence in the academic curriculum.

"(ii) A bilingual education program shall, to the extent possible, incorporate the cultural heritage of the children or youth of limited-English proficiency served by the program, as well as the cultural heritage of other children in American society.

"(C) Children and youth proficient in English may participate in a bilingual education program to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.

"(2) **CHILDREN AND YOUTH.**—The term 'children and youth' means individuals aged three through 21.

"(3) **DIRECTOR.**—The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(4) **JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.**—The term 'jurisdiction where a Native American language has official status' refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

"(5) **LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.**—The terms 'limited-English proficiency' and 'limited-English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) **NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.**—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) **NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.**—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with at least five years successful experience in providing educational services in traditional Native American languages.

"(8) **NATIVE LANGUAGE.**—The term 'native language', when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(9) **OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.**—The term 'other programs for persons of limited-English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

"SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) **ELIGIBLE ENTITIES.**—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education

organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

"(1) **INDIAN TRIBE.**—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) **TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.**—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) **ELIGIBLE ENTITY APPLICATION.**—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

"Subpart 1—Financial Assistance for Bilingual Education

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"(a) **PURPOSE.**—The purpose of this subpart is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited-English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"(b) **DEVELOPMENT AND ENHANCEMENT GRANTS.**—

"(1) **IN GENERAL.**—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited-English proficiency.

"(2) **DURATION.**—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

"(c) **COMPREHENSIVE SCHOOL GRANTS.**—

"(1) **IN GENERAL.**—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(2) **DURATION.**—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(d) **COMPREHENSIVE DISTRICT GRANTS.**—

"(1) **IN GENERAL.**—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

"(2) **DURATION.**—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(e) **USE OF FUNDS.**—

"(1) **IN GENERAL.**—Recipients of grant funds under subsections (b), (c), and (d) may use such funds for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited-English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) **ADDITIONAL ACTIVITIES.**—Recipients of funds under subsections (c) and (d) may—

"(A) use such funds for preservice and inservice professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English proficiency and will help accomplish the purposes of this subpart; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited-English proficiency.

"(f) **GEOGRAPHIC DISTRIBUTION OF FUNDS.**—To the extent possible, the Secretary shall award grants under this section throughout the Nation in a manner that—

"(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

"(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(h) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency or community based organization that desires a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONTENTS.—Each such application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited-English proficiency in the school or district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how such program's design—

"(I) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart.

"(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited-English proficiency;

"(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will be integrated with the overall educational program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(i) LIMITATION ON FUNDING.—

"(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards

under subsection (b) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(2) COMPREHENSIVE SCHOOL GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

"(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

"(B) despite documented efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

"(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

"(k) CAPACITY BUILDING.—

"(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's capacity to continue to offer high quality bilingual education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"(2) SPECIAL RULE.—In making awards under this subpart for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount used to support grants under subsections (c) and (d) in the previous fiscal year.

"(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

"(m) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

"(n) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their

children in such programs and shall be given an opportunity to do so if such parents so choose.

"(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under this subpart; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"Subpart 2—Research and Evaluation

"SEC. 7121. AUTHORITY.

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited-English proficiency.

"SEC. 7122. RESEARCH.

"(a) AWARDS.—The Secretary may award grants and enter into contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited-English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

"(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

"(2) disseminate the findings of such research.

"SEC. 7123. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited-English proficiency to meet challenging State content standards and challenging State student performance standards.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

“(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

“(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English proficiency, which may include—

“(1) completing the development of such programs;

“(2) professional development of staff participating in bilingual education programs;

“(3) sharing strategies and materials; and

“(4) supporting professional networks.

“(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

“SEC. 7124. STATE GRANT PROGRAM.

“(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency effectively provides for the education of children and youth of limited-English proficiency within the State.

“(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—A State educational agency may use funds for programs authorized by this section to—

“(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

“(B) operate a bilingual education advisory panel under subsection (d); and

“(C) collect data concerning children and youth of limited-English proficiency.

“(2) SPECIAL RULE.—Recipients of awards under this section shall not restrict the provision of services under this section to federally funded programs.

“(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited-English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under subparts 1 and 3 that come from within the State.

“(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

“SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

“(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate

information about bilingual education and related programs.

“(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

“(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

“(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part.

“SEC. 7126. EVALUATIONS.

“(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

“(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

“(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

“(A) to improve such program;

“(B) to further define such program's goals and objectives; and

“(C) to determine program effectiveness.

“(3) CONTENTS.—Such evaluation shall include—

“(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

“(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the professional development of the program staff, and appropriateness of the language of instruction;

“(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English proficiency; and

“(D) such other information as the Secretary may require.

“(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

“(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

“(2) DATA.—Such evaluation shall include data on—

“(A) post-program placement of persons trained;

“(B) how the training relates to the employment of persons served by the program;

“(C) program completion; and

“(D) such other information as the Secretary may require.

“Subpart 3—Professional Development

“SEC. 7131. PURPOSE.

“The purpose of this subpart is to improve the quality of instruction for children and youth of limited-English proficiency—

“(1) through professional development programs designed—

“(A) for persons preparing to provide services for children and youth of limited-English proficiency;

“(B) to improve the skills of persons providing services to children and youth of limited-English proficiency; and

“(C) for other staff in schools serving children and youth of limited-English proficiency; and

“(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited-English proficiency to other school personnel, including teachers not serving such children and youth.

“SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.

“(a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to make grants to institutions of higher education for—

“(1) preservice and inservice professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency, which in the case of teachers who are involved in the provision of such services may include release time with pay; and

“(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

“(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for inservice professional development programs that prepare school personnel to provide effective services to limited-English proficient students.

“(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—An institution of higher education, or a State or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

“(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

“(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

“(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

“(4) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111 and section 2125(b)(1).

“SEC. 7133. FELLOWSHIPS.

“(a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation,

and curriculum development, and for the support of dissertation research related to such study.

"(b) REPAYMENT.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"SEC. 7134. STIPENDS.

"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 7201. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 7202. FINDINGS.

"The Congress finds as follows:

"(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

"(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(5) Four out of five new jobs in the United States are created from foreign trade.

"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$35,000,000 for the fiscal year 1995, and such

sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than \$20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—ADMINISTRATION

"SEC. 7301. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department, including programs in such areas as teacher training, program content, research, and curriculum.

"SEC. 7302. REPORT ON BILINGUAL EDUCATION.

"The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information regarding—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 fiscal years;

"(B) the number of individuals benefiting from the programs assisted under this title;

"(C) the evaluation of activities carried out under this title during the preceding 3 fiscal years and the extent to which each such activity achieves the policy set forth in section 7103(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and

"(2) an analysis and synthesis of such information.

"SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.

"(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—

"(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.

"(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.

"PART D—SPECIAL RULE

"SEC. 7401. SPECIAL RULE.

"Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—ARTS IN EDUCATION

"SEC. 8101. SUPPORT FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) arts education should be an integral part of the elementary and secondary school curriculum;

"(7) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings; and

"(8) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural

agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated \$11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is \$9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book pur-

chases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 8201. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) the new schools developed through such process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement; and

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of such schools, including the effects on students, staff, and parents.

"SEC. 8202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 8203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 8203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 8203(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall

be awarded for a period of not more than 3 years.

"(2) **GRANTS TO ELIGIBLE APPLICANTS.**—Grants awarded by the Secretary or by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) **LIMITATION.**—The Secretary and State educational agencies shall not award more than one grant under this part to support a particular charter school.

"(e) **USE OF GRANTS.**—

"(1) **STATE EDUCATIONAL AGENCIES.**—Each State educational agency receiving a grant under this part shall use such grant funds to award grants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) **ELIGIBLE APPLICANTS.**—Each eligible applicant receiving a grant from the Secretary or a State educational agency shall use such grant funds to plan and implement a charter school in accordance with this part.

"(3) **ADMINISTRATIVE EXPENSES.**—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(4) **REVOLVING LOAN FUNDS.**—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a grant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"SEC. 8203. APPLICATIONS.

"(a) **APPLICATIONS FROM STATE AGENCIES.**—Each State educational agency desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) **CONTENTS.**—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program and the availability of grants for the establishment of such schools;

"(2) contain assurances that the State educational agency—

"(A) has granted, will grant, or will obtain, a waiver of all State law applicable to each charter school receiving a grant under this section, except that this subparagraph only shall apply to a State that has enacted a statute regarding the waiver of State law for charter schools to the extent permitted by such statute; and

"(B) will assist each eligible applicant in the State in receiving a waiver under section 8204(d);

"(3) contain assurances that the State educational agency will require each eligible applicant receiving a grant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the method by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal or State statutory or regulatory requirements that the applicant believes are necessary for the successful operation of the charter school;

"(H) a description of how the grant funds will be used, including a description of how grant funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) **APPLICATIONS FROM ELIGIBLE APPLICANTS.**—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require. Each such application shall contain the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purpose of this sentence subparagraphs (J), (K), and (L) of such subsection shall be applied by striking "and the State educational agency" each place such term appears.

"SEC. 8204. ADMINISTRATION.

"(a) **ADMINISTRATION CRITERIA.**—The Secretary shall select grant recipients under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration factors, such as—

"(1) the contribution that charter school will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State and local educational agencies in grant waivers and otherwise assisting teachers and others in establishing charter schools within the State;

"(3) the quality of the proposed curriculum and instructional practices;

"(4) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency, to the charter school;

"(5) the extent of community support for the application;

"(6) the ambitiousness of the objectives for the charter school;

"(7) the quality of the plan for assessing achievement of such objectives; and

"(8) the likelihood that the charter school will meet such objectives and improve educational results for students.

"(b) **PEER REVIEW.**—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for grants under this part.

"(c) **DIVERSITY OF PROJECTS.**—The Secretary and each State educational agency receiving a grant under this part, shall award grants under this part in a manner that, to the extent possible, ensures that such grants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(d) **WAIVERS.**—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 8207(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"SEC. 8205. USES OF FUNDS.

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment and educational materials and supplies;

"(C) acquiring or developing curriculum materials;

"(D) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(E) other initial operational costs that cannot be met from State or local sources.

"SEC. 8206. NATIONAL ACTIVITIES.

"The Secretary may reserve not more than 10 percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 8204;

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools;

"(B) collection and dissemination of information on successful charter schools; and

"(C) conferences, publications, and use of telecommunications and other means to share

ideas and information among grant recipients and others about charter schools.

"SEC. 8207. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school.

"SEC. 8208. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—CIVIC EDUCATION

"SEC. 8251. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen

and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM CONTENT.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

"SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis and in accordance with section 10701, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this part, there are authorized to be appropriated \$20,000,000 for fiscal year 1995 and such sums as necessary for each of the 4 succeeding fiscal years.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 50 percent of such amount to carry out section 8251; and

"(B) 50 percent of such amount to carry out section 8252.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 8301. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for

the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students"

"SEC. 8311. ESTABLISHMENT."

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 8312. APPLICATIONS."

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers"

"SEC. 8321. ESTABLISHMENT."

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8322. APPLICATIONS."

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an appli-

cation at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 8311(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 8311(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans"

"SEC. 8331. ESTABLISHMENT."

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8332. APPLICATIONS."

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 4—General Provisions"

"SEC. 8341. ADMINISTRATIVE PROVISIONS."

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 8342. AUTHORIZATION OF APPROPRIATIONS."

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part \$4,500,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 8311(a).

"PART F—GIFTED AND TALENTED CHILDREN"

"SEC. 8401. SHORT TITLE."

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 8402. FINDINGS AND PURPOSES."

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and our Nation's security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited-English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—

"(A) develop a rich and challenging curriculum for all students; and

"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.

"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—

"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;

"(2) to encourage the development of rich and challenging curricula for all students through

the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 8403. DEFINITIONS; CONSTRUCTION.

"(a) **DEFINITIONS.**—For purposes of this part, the term 'gifted and talented students' means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(b) **CONSTRUCTION.**—Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 8404. AUTHORIZED PROGRAMS.

"(a) **ESTABLISHMENT OF PROGRAM.**—

"(1) **IN GENERAL.**—From the sums appropriated under section 8407 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) **CONTENTS.**—Applications for funds under this part shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) how the proposed programs can be evaluated.

"(b) **USES OF FUNDS.**—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role-socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;

"(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;

"(5) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students

and the appropriate use of gifted and talented programs and methods to serve all students;

"(6) programs of technical assistance and information dissemination, including how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(7) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) **ESTABLISHMENT OF NATIONAL CENTER.**—

"(1) **IN GENERAL.**—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).

"(2) **DIRECTOR.**—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) **LIMITATION.**—Not more than \$1,750,000 of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(5) or (c).

"(e) **COORDINATION.**—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the such office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"SEC. 8405. PROGRAM PRIORITIES.

"(a) **GENERAL PRIORITY.**—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation, through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and the provision of services to gifted and talented students.

"(b) **SERVICE PRIORITY.**—In approving applications under section 8404(a), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).

"SEC. 8406. GENERAL PROVISIONS.

"(a) **PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.**—In making grants and en-

tering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) **PROGRAM OPERATIONS.**—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(c) **REVIEW, DISSEMINATION, AND EVALUATION.**—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part in accordance with section 10701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.

"(a) **IN GENERAL.**—There are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this part.

"(b) **SPECIAL RULE.**—If the amount appropriated under subsection (a) for a fiscal year exceeds \$20,000,000, 40 percent of such amount in excess of \$20,000,000 shall be available for strategies and programs designed for the education of gifted and talented students that may be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging State content standards and challenging State student performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented.

"PART G—WOMEN'S EDUCATIONAL EQUITY

"SEC. 8451. SHORT TITLE; FINDINGS.

"(a) **SHORT TITLE.**—This part may be cited as the 'Women's Educational Equity Act of 1994'.

"(b) **FINDINGS.**—The Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls may often receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of

women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;

"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

"SEC. 8452. STATEMENT OF PURPOSES.

"It is the purpose of this part—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

"(3) to promote equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

"SEC. 8453. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

"(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

"(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

"(C) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(D) school-to-work transition programs, other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented, and guidance and counseling activities;

"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

"(F) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

"(G) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls; and

"(H) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls; and

"(2) research and development, which shall be coordinated with the Office of Educational Research and Improvement's National Institute on the Education of At-Risk Students to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;

"(B) the development of high quality and challenging assessment instruments that are nondiscriminatory;

"(C) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(E) the development of new dissemination and replication strategies;

"(F) updating high quality educational materials previously developed through awards made under this part; and

"(G) the implementation of nondiscriminatory tests of aptitude and achievement and alternative assessment instruments.

"SEC. 8454. APPLICATIONS.

"(a) APPLICATIONS.—A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe, such as—

"(1) setting forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(2) demonstrating how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

"(3) demonstrating how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

"(4) describing how funds under this part will be used in a manner that is consistent with the School-to-Work Opportunities Act of 1994;

"(5) for applications for projects under section 8453(1), demonstrating how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations, and other recipients of Federal educational funding which may include State literacy resource centers; and

"(6) for applications for projects under section 8453(1), demonstrating how parental involvement in the project will be encouraged.

"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant has terminated; and

"(D) address issues of national significance that can be duplicated.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"SEC. 8455. CRITERIA AND PRIORITIES.

"The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"SEC. 8456. REPORT.

"The Secretary, by January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 8457. EVALUATION AND DISSEMINATION.

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 10701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs by January 1, 1998.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 8458 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 8453(1).

"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) developing and evaluating strategies for eliminating ability grouping practices and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and counselors and academic enrichment programs that supplement regular courses for students;

"(ii) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

"(iii) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students;

"(iv) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for guidance counselors and administrators, including inservice training that improves the skills of counselors and administrators in working with students from diverse populations;

"(v) research and development related to challenging State content standards and challenging State student performance standards for student learning; and

"(vi) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decisionmaking;

"(C) joint activities with other Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher education, to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote and evaluate coordinated pupil services programs;

"(F) activities to promote comprehensive health education;

"(G) activities to promote environmental education;

"(H) activities to promote programs to assist students to demonstrate competence in foreign languages;

"(I) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(J) activities to promote metric education;

"(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education;

"(L) activities to promote experiential-based learning, such as service-learning;

"(M) activities to promote scholar-athlete competitions;

"(N) activities to promote child abuse education and prevention programs;

"(O) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

"(P) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

"(Q) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity; and

"(R) other programs and projects that meet the purposes of this section.

"(2) **ADDITIONAL USES.**—The Secretary may also use funds provided under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(c) **AWARDS.**—

"(1) **IN GENERAL.**—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) **SPECIAL RULE.**—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) **PEER REVIEW.**—The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) **AUTHORIZATION.**—For the purpose of carrying out this section, there are authorized to be appropriated \$35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART I—BLUE RIBBON SCHOOLS

"SEC. 8551. BLUE RIBBON SCHOOLS PROGRAM.

"(a) **GENERAL AUTHORITY.**—Subject to subsection (d), the Secretary is authorized to carry out programs to recognize elementary and secondary schools or programs which have established standards of excellence and which have demonstrated a high level of quality. Such programs shall be designated as 'Blue Ribbon Schools'. In selecting schools and programs to be recognized, the Secretary shall competitively select public and private schools or programs within local educational agencies in the States, schools operated for Indian children by the Department of the Interior, and schools operated by the Department of Defense for dependents of Department of Defense personnel.

"(b) **SELECTION PROCESS.**—

"(1) **IN GENERAL.**—The Secretary shall designate, each fiscal year, several categories for a Blue Ribbon Schools program. Such categories may include, but shall not be limited to, outstanding elementary schools, outstanding secondary schools, outstanding mathematics and science programs, or outstanding reading programs.

"(2) **SELECTION.**—Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

"(c) **ADMINISTRATIVE PROVISIONS.**—

"(1) **CONSULTATION.**—The Secretary shall carry out the provisions of this section including the establishment of the selection procedures, after consultation with appropriate outside parties.

"(2) **APPLICATION.**—No award may be made under this section unless the local educational

agency submits an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may reasonably require.

"(3) **DEFINITION.**—For the purposes of this section, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) **BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.**—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make one or more awards under this section to effective and innovative programs for inmate education and literacy.

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

"SEC. 8601. NATIONAL STUDENT AND PARENT MOCK ELECTION.

"(a) **IN GENERAL.**—The Secretary is authorized to award grants in every election year to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issue forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) **REQUIREMENT.**—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$125,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

"SEC. 8651. SHORT TITLE.

"This part may be cited as the 'Elementary School Counseling Demonstration Act'.

"SEC. 8652. FINDINGS AND PURPOSE.

"(a) **FINDINGS.**—The Congress finds that—

"(1) elementary school children are being subjected to unprecedented social stresses, including fragmentation of the family, drug and alcohol abuse, child abuse, poverty, and violence, and experts indicate that intervention at an early age is the most beneficial;

"(2) an increasing number of elementary school children are exhibiting symptoms of distress, such as substance abuse, emotional disorders, academic underachievement, disruptive behavior, juvenile delinquency, and suicide;

"(3) elementary school counselors, school psychologists and school social workers can contribute to the personal growth, educational development, and emotional well-being of elementary school children by providing professional counseling, intervention, and referral services;

"(4) the average ratio of elementary school counselors to students is 1 to 1,000, the average

ratio of school psychologists to students is 1 to 2,500, and the average ratio of school social workers to students is 1 to 2,500;

"(5) when there is 1 counselor to 1,000 students, 1 school psychologist to 2,500 students, and 1 school social worker to 2,500 students, elementary school counseling programs are seldom adequate;

"(6) the Federal Government can help reduce the risk of academic, social, and emotional problems among elementary school children by stimulating the development of model elementary school counseling programs; and

"(7) the Federal Government can help reduce the risk of future unemployment and assist the school-to-work transition by stimulating the development of model elementary school counseling programs.

"(b) PURPOSE.—It is the purpose of this part to enhance the availability and quality of counseling services for elementary school children by providing grants to local educational agencies to enable such agencies to establish effective and innovative elementary school counseling programs that can serve as national models.

"SEC. 8653. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"SEC. 8654. PROGRAM AUTHORITY.

"(a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 8653 in any fiscal year, the Secretary shall make grants to local educational agencies having applications approved under section 8655 to initiate or expand school counseling programs for elementary school children.

"(b) PRIORITY.—In awarding grants under this part, the Secretary shall give special consideration to applications describing programs that—

"(1) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(2) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(3) show the greatest potential for replication and dissemination.

"(c) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(d) DURATION.—A grant under this part shall be awarded for a period not to exceed 3 years.

"(e) MAXIMUM GRANT.—A grant under this part shall not exceed \$400,000 for any fiscal year.

"SEC. 8655. APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) NOTIFICATION OF STATE EDUCATIONAL AGENCY.—Before submitting an application to the Secretary in accordance with subsection (a), a local educational agency shall provide the State educational agency with an opportunity to review and comment on the program described in such application. The comments of the State educational agency shall be appended to the application upon submission of the application to the Secretary.

"(c) CONTENTS.—Each application for a grant under this part shall—

"(1) describe the elementary school population to be targeted by the program, the particular

personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(2) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in paragraph (1);

"(3) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(4) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(5) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

"(6) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(7) describe how any diverse cultural populations, if applicable, would be served through the program;

"(8) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(9) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"SEC. 8656. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds under this part shall be used to initiate or expand elementary school counseling programs that comply with the requirements in subsection (b).

"(b) PROGRAM REQUIREMENTS.—Each program assisted under this part shall—

"(1) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(2) use a developmental, preventive approach to counseling;

"(3) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(4) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

"(6) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(7) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(9) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this part.

"(c) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this section at the end of each grant period in accordance with section 10701, but in no case later than January 30, 1998.

"(d) DISSEMINATION.—The Secretary shall make the programs assisted under this part available for dissemination, either through the National Diffusion Network or other appropriate means.

"(e) LIMIT ON ADMINISTRATION.—Not more than 5 percent of the amounts appropriated pursuant to the authority of section 8653 in any fiscal year shall be used to carry out the provisions of this section.

"SEC. 8657. DEFINITIONS.

"For purposes of this part—

"(1) the term 'comprehensive' means, with respect to counseling services, a program in which—

"(A) a school counselor, school psychologist, or school social worker uses a range of individual and group techniques and resources in a planned way to meet the personal, social, emotional, educational, and career development needs of all elementary children in a school; and

"(B) a school counselor, school psychologist, or school social worker works directly with children, families, teachers, and other school or agency personnel to create an optimal positive learning environment and personal growth opportunities for all children;

"(2) the term 'developmental' means, with respect to a school counseling program, a systematically planned program that—

"(A) provides appropriate school counseling interventions to foster the social, emotional, physical, moral, and cognitive growth of elementary school children;

"(B) provides intervention services to help children cope with family, social, emotional, and academic problems; and

"(C) supports and enhances the efforts of families, teachers, and other school personnel to provide children maximum opportunity to acquire competence and skill in self-understanding and appreciation, interpersonal interaction, and educational achievement and literacy;

"(3) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(4) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting; and

"(B) possess State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possess national certification by the National School Psychology Certification Board;

"(5) the term 'school social worker' means an individual who holds a master's degree in social

work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(6) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"PART L—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 8701. SHORT TITLE.

"This part may be cited as the '21st Century Community Learning Centers Act'.

"SEC. 8702. FINDINGS.

"The Congress finds that—

"(1) a local public school often serves as a center for the delivery of education and human services for all members of a community;

"(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, for the purpose of meeting the needs of, and expanding the opportunities available to, the residents of the communities served by such schools;

"(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, and local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

"(5) community schools enable the entire communities to develop an education strategy that addresses the educational needs of all members of local communities.

"SEC. 8703. PROGRAM AUTHORIZATION.

"(a) **GRANTS BY THE SECRETARY.**—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia thereof, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

"(b) **AMOUNT.**—The Secretary shall not award a grant under this part in any fiscal year in an amount less than \$20,000.

"(c) **GRANT PERIOD.**—The Secretary shall award grants under this part for a period not to exceed 3 years.

"(d) **EQUITABLE DISTRIBUTION.**—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"SEC. 8704. APPLICATION REQUIRED.

"(a) **APPLICATION.**—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe. Each such application shall include—

"(1) a comprehensive local plan that enables such school or consortium to serve as a center for the delivery of education and human services for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the pro-

posed project in order to determine which activities will be undertaken to address such needs; and

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school or consortium will act as a delivery center for existing and new services; and

"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines.

"(b) **PRIORITY.**—The Secretary shall give priority to applications describing projects that offer a broad selection of services.

"SEC. 8705. USES OF FUNDS.

"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than 4 of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs that are coordinated with summer recreation programs.

"(6) Nutrition programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals who are either physically or mentally challenged.

"SEC. 8706. DEFINITIONS.

"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 8707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART M—MODEL PROJECTS

"SEC. 8751. MODEL PROJECTS.

"(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by

such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.

"(b) **PRIORITY.**—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART N—EXTENDING TIME FOR LEARNING

"SEC. 8801. FINDINGS.

"The Congress finds that—

"(1) the Commission on Time and Learning has found that—

"(A) realizing the third National Education Goal, that states all students will leave grades four, eight and twelve having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, will require considerably more common core learning time than most students now receive;

"(B) ensuring that all students learn to high standards will require flexibility and innovation in the use of common core learning time, as well as the rest of the time students spend both during and beyond the school day;

"(C) teachers need regular, sustained time for lesson development, collegial collaboration and other professional development; and

"(D) schools, businesses, community-based organizations, tribal leaders, and other community agencies and members should work together to foster effective learning and enrichment programs and activities for students, including programs that operate outside of the regular school day or year;

"(2) increasing the amount and duration of intensive, engaging and challenging learning activities geared to high standards can increase student motivation and achievement;

"(3) the benefits of extending learning time, including common core instructional time, can be maximized by concurrent changes in curriculum and instruction, such as accelerated learning, and engaging, interactive instruction based on challenging content; and

"(4) maximizing the benefit of increased common core and other learning time will require the collaboration and cooperation of teachers and administrators, students, parents, community members and organizations, businesses and others to develop strategies to meet the needs of students during and beyond the school day and year.

"SEC. 8802. PURPOSE.

"It is the purpose of this part to provide seed money to schools and local educational agencies to enable such agencies to devise and implement strategies and methods for upgrading the quality of, and extending, challenging, engaging learning time geared to high standards for all students.

"SEC. 8803. PROGRAM AUTHORIZED.

"(a) **IN GENERAL.**—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8804 to enable such agencies to carry out the authorized activities described in section 8805 in public elementary and secondary schools.

"(b) **AMOUNT.**—Each grant under subsection (a) shall be awarded in an amount not more than \$100,000.

"(c) **DURATION.**—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8804. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) the activities for which assistance is sought;

"(2) any study or other information-gathering project for which funds will be used;

"(3) strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

"(6) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this part;

"(7) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(8) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(9) the goals and objectives of the activities assisted under this part, including a description of how such activities will assist all students to reach State standards;

"(10) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(11) how the applicant will use funds provided under this part in coordination with other funds provided under this Act or other Federal laws.

"SEC. 8805. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of, and effective methods for, extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(2) to conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year;

"(3) to develop and implement an outreach strategy that will encourage collaboration with public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to coordinate challenging, high-quality educational activities outside of the school day or year;

"(4) to research, develop and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year;

"(5) to provide professional development for school staff in innovative teaching methods that

challenge and engage students, and also increase the productivity of extended learning time; and

"(6) to develop strategies to include parents, business representatives, and other community members in the extended time activities, especially as facilitators of activities that enable teachers to have more time for planning, individual student assistance, and professional development activities.

"SEC. 8806. ADMINISTRATION.

"(a) **PEER REVIEW.**—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) **DIVERSITY.**—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) **PRIORITY.**—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"SEC. 8807. DEFINITIONS.

"For the purpose of this part the term 'common core learning time' means high-quality, engaging instruction in challenging content in each of the following core academic subjects described in the third National Education Goal:

- "(1) English.
- "(2) Mathematics.
- "(3) Science.
- "(4) Foreign languages.
- "(5) Civics and government.
- "(6) Economics.
- "(7) Arts.
- "(8) History.
- "(9) Geography.

"SEC. 8808. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART O—CREATING SMALLER LEARNING COMMUNITIES**"SEC. 8851. FINDINGS.**

"The Congress finds that—

"(1) smaller school communities can have a significant, positive impact on student achievement, including grade promotion, school attendance and motivation;

"(2) large schools can benefit from reorganization into smaller learning communities, such as schools-within-schools; and

"(3) smaller learning communities can provide students with a variety of educational options based on various themes, while providing all students engaging, innovative instruction in challenging curricula that will enable such communities to meet State standards.

"SEC. 8852. PURPOSE.

"It is the purpose of this part to improve the quality and effectiveness of teaching and learning by encouraging and supporting school and school district efforts to create smaller schools, including those that exist as schools-within-schools.

"SEC. 8853. PROGRAM AUTHORIZED.

"(a) **IN GENERAL.**—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8854 to enable such agencies to carry out the authorized activities described in section 8855 in public elementary and secondary schools.

"(b) **AMOUNT.**—Each grant under subsection (a) shall be awarded in an amount not more than \$100,000.

"(c) **DURATION.**—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8854. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an applica-

tion to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

"SEC. 8855. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators

of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

"SEC. 8856. ADMINISTRATION.

"(a) **PEER REVIEW.**—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) **DIVERSITY.**—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) **PRIORITY.**—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"(d) **SPECIAL RULE.**—In awarding grants under this part, the Secretary shall ensure that such grants are awarded for authorized activities described in section 8855 that serve a diversity of grade spans.

"SEC. 8857. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE IX—SPECIAL PROGRAMS

"PART A—IMPACT AID

"SEC. 9001. FINDINGS.

"The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

"SEC. 9002. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help such children meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) experience sudden and substantial increases or decreases in enrollments because of military realignments; or

"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

"SEC. 9003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) **IN GENERAL.**—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

"(i) all real property in the local educational agency (similarly determined as of the time or

times when such Federal property was so acquired); or

"(ii) all real property in the local educational agency as assessed in the first year preceding or the year succeeding acquisition, whichever is greater, only if—

"(1) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

"(II) State law requires an assessment be made of property so acquired; and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then the local educational agency shall be eligible to receive for such fiscal year such amount as, in the judgment of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property.

"(b) AMOUNT.—

"(1) **IN GENERAL.**—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 9015(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency. In making such a ratable reduction for a local educational agency, the Secretary shall not take into consideration any revenue described in subparagraph (A), except that no local educational agency shall be paid an amount in excess of the amount calculated for such agency under paragraph (2).

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that when added to the amount such agency receives under section 9004(b)(2) exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 9004(b)(1)(C).

"(2) **APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.**—In making a determination of the amount that would have been derived in such year under paragraph (1)(A), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) **DETERMINATION OF AGGREGATE ASSESSED VALUE.**—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) **APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.**—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) **OWNERSHIP BY UNITED STATES.**—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

"(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

"(e) **DISTRICT CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.**—Beginning with fiscal year 1995, a school district shall be deemed to meet the requirements of subsection (a)(1)(C) if such school district meets the following requirements:

"(1) The school district contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

"(2) The school district serves a county certified by State law in 1875 or 1890.

"SEC. 9004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) **IN GENERAL.**—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

"(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(ii) had a parent who is an official of, and has been accredited by, a foreign government but did not reside on Federal property;

"(E) resided in low-rent housing;

"(F) resided on Federal property and is not described in subparagraph (A) or (B); or

"(G) resided with a parent employed on Federal property situated—

"(i) in whole or in part in the county in which the school district of such agency is located, or in whole or in part in the school district of such agency if the school district is located in more than one county; or

"(ii) if not in such county or district, in whole or in part in the same State as the school district of such agency.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

"(D) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 9015(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

"(i) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

"(ii) one-half of the average per pupil expenditures of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

"(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

"(iv) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 9015(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(1) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this subsection (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding academic year for which the determination is made.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 9015(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 90 percent of the amount such agency received—

"(A) in the case of fiscal year 1995 only, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1994; or

"(B) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

"(2) TWO-YEAR APPLICABILITY.—The provisions of paragraph (1) shall apply to any one local educational agency for a maximum of two consecutive fiscal years.

"(3) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local edu-

cational agencies in accordance with paragraph (1), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 9015(b) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(iii) is a local educational agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met the tax efforts requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.

"(D) Any local educational agency having an enrollment of more than 6,500 students described

in subparagraph (A) or (B) of subsection (a)(1) and meeting the requirements of subclause (I) and (II) of subparagraph (A)(i), may use either their average general tax rate or total tax rate in determining eligibility under this paragraph.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the total amount of general fund revenues received by the local educational agency from any general fund source per pupil, other than revenues provided under this subsection.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance of the local educational agency.

"(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—(i) With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per pupil expenditure in all States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure in all local educational agencies in the State, and multiplying such product by the number of students who are served by such local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).

"(ii) The payment under this subsection that a local educational agency described in clauses (ii) and (iii) of paragraph (2)(A) shall receive in any fiscal year shall be equal to the maximum amount described in clause (i) minus the amount of payments such agency receives under subsections (b) and (d) for such year.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) the most recent data available on per-pupil cost adjusted to reflect per-pupil cost made current by increasing or decreasing the per-pupil expenditure data for the second fiscal year

preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per-pupil expenditure data for such second year.

"(5) DETERMINATION FOR FISCAL YEAR 1994.—Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81-874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.

"(6) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH DISABILITIES.—If any local educational agency receives Federal funds from sources other than this title for any fiscal year due to the enrollment of children described under subsection (a), such funds shall be considered a payment to such agency under this title for such fiscal year. Notwithstanding any other provision of law, if funds appropriated pursuant to section 9015(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds described in the preceding sentence received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9015(b) for such fiscal year such excess amounts to—

"(1) any local educational agency designated by the Secretary of Defense for such fiscal year as a local educational agency serving children described under section 9004(a) who have a parent assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are enrolled in an educational program provided outside the schools of such agency; and

"(2) any remaining amounts shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) or such section's successor authority.

"SEC. 9005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such chil-

dren realize the benefits of such programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall maintain records demonstrating such agency's compliance with requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"(e) COMPLAINTS.—

"(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

"(B) Within ten working days from receipt of a complaint, the Secretary shall—

"(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

"(ii) designate a hearing examiner to conduct the hearing; and

"(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

"(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial

action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

"(5) WRITTEN DETERMINATION.—Within 30 days of his receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

"(6) COPIES PROVIDED.—Upon completion of his final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

"(7) CONSOLIDATION.—In all actions under this subparagraph, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 9004 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

"(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 9004. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).

"(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

"SEC. 9006. APPLICATION FOR PAYMENTS UNDER SECTIONS 9003 AND 9004.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 9003 or 9004 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 9005 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(3) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 9004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"(4) STATE APPLICATION AUTHORITY.—Notwithstanding any provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

"SEC. 9007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the school year for which the determination is made is at least ten percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between February 1 and September 30, inclusive, of the fiscal year for which the determination is made, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that such agency is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the school year preceding the fiscal year for which the determination is made; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a fiscal year under section 9015(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.

"(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 9008. CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 9015(e), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 9004(b); and

"(2)(A) in which the number of children determined under section 9004(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) that receives assistance under section 9004(f); or

"(C) that receives assistance under section 9007.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount appropriated under section 9015(e) for such year; divided by

"(2) the number of children determined under section 9004(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 9009 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 9014(3).

"SEC. 9009. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 9015(f), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day

preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(b) TRANSFER OF FACILITIES.—"

"(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

"SEC. 9010. TREATMENT OF PAYMENTS BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID."

"(a) IN GENERAL.—Except as provided in subsection (b), no payments may be made under this title for any fiscal year to any local educational agency in any State if—

"(1) such State has taken into consideration payments under this title in determining—

"(A) the eligibility of any local educational agency in that State for State aid for free public education of children; or

"(B) the amount of such aid with respect to any such agency; during that fiscal year or the preceding fiscal year; or

"(2) such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.

"(b) EXCEPTION.—"

"(1) IN GENERAL.—Notwithstanding subsection (a), if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

"(A) financial resources available to local educational agencies in that State; and

"(B) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

"(2) SPECIAL RULE.—The portion of payments under sections 9004(b), 9004(d) and 9004(f)(1) for children described in section 9004(a)(1)(C) which are attributable to the difference between the total weighted student units determined under section 9004(a)(2)(B) and the total weighted student units determined under section 9004(a)(2)(A), shall not be taken into consideration by the State for the purpose of this subparagraph. Whenever a State educational agency or local educational agency will be adversely affected by the operation of this section, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this section.

"(3) DEFINITIONS.—The terms 'State aid' and 'equalize expenditures' as used in this section shall be defined by the Secretary by regulation, after consultation with State and local educational agencies affected by this section, pro-

vided that the term 'equalize expenditures' shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as disabled children, economically disadvantaged children, limited-English proficient children, and gifted and talented children.

"(4) NOTICE AND CERTIFICATION.—(A) If a State desires to take payments under this title into consideration as provided in this subsection for any fiscal year, that State shall, not later than 60 days prior to the beginning of such fiscal year, submit notice to the Secretary of its intention to do so. Such notice shall be in such form and be accompanied by such information as to enable the Secretary to determine the extent to which the program of State aid of that State is consistent with the provisions of paragraph (1). In addition, such notice shall be accompanied by such evidence as the Secretary finds necessary that each local educational agency in that State has been given notice of the intention of the State. If the Secretary determines that the program of State aid of a State submitting notice under this paragraph is consistent with the provisions of paragraph (1), the Secretary shall certify such determination to that State.

"(B) Prior to certifying any determination under subparagraph (A) for any State for any fiscal year, the Secretary shall give the local educational agencies in that State an opportunity for a hearing at which such agencies may present their views with respect to the consistency of the State aid program of that State with the provisions of paragraph (1).

"(C) The Secretary shall not finally deny to any State for any fiscal year certification of a determination under subparagraph (A) without first giving that State an opportunity for a hearing.

"(5) REQUIREMENT.—Any State whose program of State aid was certified by the Secretary under paragraph (4) for fiscal year 1988, but whose program was determined by the Secretary under paragraph (4)(A) not to meet the requirements of paragraph (1) for one or more of the fiscal years 1989 through 1992—

"(A) shall be deemed to have met the requirements of paragraph (1) for each of the fiscal years 1989 through 1992; and

"(B) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under paragraph (1) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.

"(6) GRANDFATHER CLAUSE.—Notwithstanding any other provision of law, a State shall be deemed to meet the requirements of this subsection if such State—

"(A) met the requirements of section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) on July 1, 1994; and

"(B) continues to meet the requirements of such section 5(d)(2) for each fiscal year for which the determination is made.

"SEC. 9011. FEDERAL ADMINISTRATION."

"(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

"SEC. 9012. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW."

"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—"

"(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 9013. FORGIVENESS OF OVERPAYMENTS."

"Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress), if the Secretary determines that the overpayment was made as a result of an error made by—

"(1) the Secretary; or

"(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

"SEC. 9014. DEFINITIONS."

"For purposes of this title, the following definitions apply:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER PUPIL EXPENDITURE.—The term 'average per pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free

public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title XIII. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

"(5) FEDERAL PROPERTY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

"(V) used for low-rent housing, as described in paragraph (10) that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or

"(iv) owned by a foreign government or by an international organization.

"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force.

"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term 'Federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—

"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

"(ii) at any time—

"(I) was designated by treaty as tribal land; or

"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(G) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(H) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

"(I) LOCAL CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for all States.

"(9) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'local educational agency'—

"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

"(B) EXCEPTION.—The term 'local educational agency' does not include any agency or school authority that the Secretary determines on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(10) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described in paragraph (5)(A)(iii).

"(11) REVENUE DERIVED FROM LOCAL SOURCES.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

"(12) SCHOOL FACILITIES.—The term 'school facilities' includes—

"(A) classrooms and related facilities; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

"SEC. 9015. AUTHORIZATION OF APPROPRIATIONS.

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 9003, there are authorized to be appropriated \$16,750,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsections (b) and (f) of section 9004, there are authorized to be appropriated \$775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which 6 percent shall be available, until expended, for each fiscal year to carry out section 9004(f).

"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 9004(d), there are authorized to be appropriated \$45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 9007, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CONSTRUCTION.—For the purpose of carrying out section 9008, there are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 9009, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 9201. PURPOSE; DEFINITION.

"(a) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"(b) DEFINITION.—For the purpose of this subpart, the term 'immigrant children and youth' means individuals who—

"(1) are aged three through 21;

"(2) were not born in any State; and

"(3) have not been attending one or more schools in any one or more States for more than two full academic years.

"SEC. 9202. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of

the amount allocated to such agency under section 9204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 9203. WITHHOLDING.

"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 9204. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 9201(a).

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c), (d) and (e), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year, whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—If the amount appropriated to carry out this part exceeds \$50,000,000 for a fiscal year, the Secretary shall reserve the amount in excess of \$50,000,000 to award grants, on a competitive basis, to local educational agencies that have enrolled during the fiscal year for which the determination is made—

"(A) at least 1,000 immigrant children and youth; or

"(B) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total student enrollment.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 9207.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"(4) DURATION.—Grants awarded under paragraph (1) shall be for a period of not more than two years.

"(5) APPLICATIONS.—(A) Each eligible local educational agency desiring a grant under this subsection shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

"(B) Each such application shall—

"(i) describe—

"(I) the need for the proposed program, including data on the number of immigrant children and youth in the local educational agency to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and

"(II) the program to be implemented and how such program's design relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(ii) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for instructional programs for immigrant children and youth if the applicant receives an award under this part.

"SEC. 9205. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in

sections 9201 and 9207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under title VII or title I;

"(4) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 9204(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) APPLICATION REVIEW.—

"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and providing an opportunity for a hearing to the State.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 9205 of the amount of such agency's allocation under section 9204 for the succeeding year.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 9205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title 1.

"SEC. 9207. USES OF FUNDS.

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 9208. REPORTS.

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State educational agency determines may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concern-

ing programs assisted under this part in accordance with section 10701.

"SEC. 9209. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$75,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART C—NATIVE HAWAIIAN EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9303. PURPOSE.

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to benefit Native Hawaiians;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils; and

"(3) supplement and expand existing programs and authorities in the area of Native Hawaiian education to further such purposes.

"SEC. 9304. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

"(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

"(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

"(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that focus on the needs of at-risk youth or that employ a program of instruction conducted in the Native Hawaiian language.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

\$2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9305. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

"(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

"(1) preschool programs;

"(2) after-school programs; and

"(3) vocational and adult education programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9306. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

"(1) parent-infant programs for prenatal through three-year-olds;

"(2) preschool programs for four- and five-year-olds;

"(3) continued research and development; and

"(4) a long-term followup and assessment program.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated \$6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9307. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

"(2) MANDATORY ACTIVITIES.—Such program shall include—

"(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with fellowship awards to be based on academic potential and financial need; and

"(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship awards to be based on academic potential and financial need;

"(3) PERMITTED ACTIVITIES.—Such program may also include—

"(A) counseling and support services for students receiving fellowship assistance under paragraph (1);

"(B) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

"(C) appropriate research and evaluation of the activities authorized by this section; and

"(D) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9308. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

"(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) leadership programs designed to—

"(A) replicate programs throughout the State of Hawai'i for gifted and talented students who are not served under this section; and

"(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

"(4) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated \$1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9309. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

"(1) the identification of Native Hawaiian students with learning disabilities, mental or physical disabilities, emotional impairments, or who are otherwise in need of special educational services;

"(2) the identification of the special education needs of such students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

"(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students;

"(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

"(C) the outcomes and benefits of activities assisted under this section upon such students.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated \$2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding

fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9310. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

"(1) each recipient of funds from the Secretary under this part;

"(2) the State of Hawai'i Department of Education;

"(3) the State of Hawai'i Office of Hawaiian Affairs;

"(4) Native Hawaiian educational organizations, such as Alu Iike, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center; and

"(5) each Native Hawaiian education island council established under subsection (f).

"(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

"(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

"(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that the Education Council provides to the Secretary pursuant to subsection (i)(1).

"(2) ANNUAL REPORT.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as 'island councils') for the following islands:

"(A) Hawai'i.

"(B) Maui and Lana'i.

"(C) Moloka'i.

"(D) Kaua'i and Ni'ihau.

"(E) O'ahu.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians.

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9311. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each application submitted under this part shall be accompanied by the comments of each local educational agency serving students who will participate in the program for which assistance is sought.

"SEC. 9312. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(A) genealogical records;

"(B) Kūpuna (elders) or Kama'āina (long-term community residents) verification; or

"(C) certified birth records;

"(2) the term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has a demonstrated expertise in the education of Native Hawaiians; and

"(C) has Native Hawaiians in substantive and policymaking positions within the organization;

"(3) the term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i;

"(4) the term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawai'i; and

"(5) the term 'Native Hawaiian community-based organization' means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.

"PART D—TERRITORIAL ASSISTANCE

"SEC. 9401. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.

"There are authorized to be appropriated \$5,000,000 for fiscal year 1995 and for each of the 4 succeeding fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

"TITLE X—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 10101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) AVERAGE DAILY ATTENDANCE.—(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 10302.

"(6) COUNTY.—The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(7) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than sections 2114 and 2115);

"(D) subpart 1 of part A of title V (other than section 5114);

"(E) subpart 2 of part A of title III; and

"(F) title XIII.

"(8) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I, part A of title II, and title XIII.

"(9) DEPARTMENT.—The term 'Department' means the Department of Education.

"(10) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(11) ELEMENTARY SCHOOL.—The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(12) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201 of the Higher Education Act of 1965.

"(14) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility to such data for all students.

"(15) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(16) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(17) OUTLYING AREA.—The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(18) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(19) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(20) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(21) SECONDARY SCHOOL.—The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(22) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(23) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(24) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(25) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and audio laser and CD-ROM disks, video and audio tapes, or other technologies.

"SEC. 10102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to part A of title IX.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 10201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2).

"(2) APPLICABILITY.—This section applies to programs under title I and those covered programs described in subparagraphs (C), (D), (E), and (F) of section 10101(7).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SEC. 10202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or State plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 10203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations issued by the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency, in collaboration with local educational agencies in the State, shall establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the purposes described in section 10201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 10204. ADMINISTRATIVE FUNDS STUDY.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary may conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) RESULTS.—Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under covered programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of the completion of such study.

"SEC. 10205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 10206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS"

"SEC. 10301. PURPOSE."

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 10302. OPTIONAL CONSOLIDATED STATE APPLICATION."

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated plan or application—

"(A) the Even Start program under part C of title I;

"(B) the education for neglected and delinquent youth program under part E of title I;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(D) such other programs as the Secretary may designate.

"(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or application.

"SEC. 10303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES."

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 10302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 10304. CONSOLIDATED LOCAL APPLICATIONS."

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 10302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated plans or applications under this section.

"SEC. 10305. OTHER GENERAL ASSURANCES."

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 10304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organi-

zations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the plan or application was submitted, the applicant is afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 10306. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT."

"(a) STATE PLANS.—

"(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part D of title I (education of migratory children).

"(C) Part E of title I (education of neglected and delinquent youth).

"(D) Part A of title II (professional development).

"(E) Subpart 1 of part A of title V (safe and drug-free schools).

"(F) Part D of title VI (Indian education).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the State's approved plan under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

"(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part A of title II (professional development).

"(C) Subpart 1 of part A of title V (safe and drug-free schools).

"(D) Part A of title VI (Indian education).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Part B of title IX (emergency immigrant education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part C of title I (Even

Start) shall be consistent with, and promote the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act.

"(3) **SPECIAL RULE.**—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.

"(4) **SUBMISSION.**—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's plan under title III of the Goals 2000: Educate America Act.

"PART D—WAIVERS

"SEC. 10401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) **WAIVER AUTHORITY.**—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver, if—

"(1) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act;

"(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

"(A) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal; and

"(B) submits the comments to the Secretary; and

"(3) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from a State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency.

"(b) **WAIVER PERIOD.**—

"(1) **IN GENERAL.**—A waiver under this section shall be for a period not to exceed 4 years.

"(2) **EXTENSION.**—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved performance; and

"(B) such extension is in the public interest.

"(c) **WAIVERS NOT AUTHORIZED.**—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) applicable civil rights requirements; or

"(7) the requirements of sections 438 and 439 of the General Education Provisions Act.

"(d) **TERMINATION OF WAIVERS.**—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected

by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"PART E—UNIFORM PROVISIONS

"SEC. 10501. MAINTENANCE OF EFFORT.

"(a) **IN GENERAL.**—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) **REDUCTION IN CASE OF FAILURE TO MEET.**—

"(1) **IN GENERAL.**—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) **SPECIAL RULE.**—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) **WAIVER.**—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 10502. PROHIBITION REGARDING STATE AID.

"No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 10503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) **PRIVATE SCHOOL PARTICIPATION.**—

"(1) **IN GENERAL.**—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children, their teachers, administrators, and other staff, on an equitable basis, special educational services or other benefits under such program.

"(2) **SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.**—Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

"(3) **SPECIAL RULE.**—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, administrators, and other staff participating in such program.

"(4) **EXPENDITURES.**—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) **PROVISION OF SERVICES.**—Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) **APPLICABILITY.**—

"(1) **IN GENERAL.**—This section applies to—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than section 2114);

"(D) part A of title III;

"(E) part B of title III;

"(F) part D of title III;

"(G) subpart 1 of part A of title V (other than section 5114);

"(H) title VII;

"(I) part B of title IX; and

"(J) title XIII.

"(2) **DEFINITION.**—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) **CONSULTATION.**—

"(1) **IN GENERAL.**—To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) **TIMING.**—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) **DISCUSSION REQUIRED.**—Such consultation shall include a discussion of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) **PUBLIC CONTROL OF FUNDS.**—

"(1) **IN GENERAL.**—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) **PROVISION OF SERVICES.**—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 10504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 10503, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 10503, 10505, and 10506.

"SEC. 10505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 10503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal within 120 days after receipt of the appeal.

"SEC. 10506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 10504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue

in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 10503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 10507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"PART F—OTHER PROVISIONS

"SEC. 10601. STATE RECOGNITION OF EXEMPLARY PERFORMANCE.

"(a) RECOGNITION.—

"(1) IN GENERAL.—A State educational agency may implement a program of State recognition awards under one or more covered programs (other than parts A and C of title I).

"(2) RECIPIENTS.—Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

"(3) FUNDING.—A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such programs for any fiscal year, not to exceed 1 percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds the State would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

"(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

"(1) in selecting awardees, such agency takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform;

"(2) such agency employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) such agency determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) such agency submits to the Secretary a description of the criteria used in making such awards.

"SEC. 10602. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 10603. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 10604. PROHIBITION ON FEDERAL MAN-DATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 10605. REPORT.

"The Secretary shall report to the Congress within 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

"SEC. 10606. REQUIRED PARTICIPATION PROHIBITED.

"Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Education America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

"PART G—EVALUATIONS

"SEC. 10701. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out program evaluations and studies of program effectiveness under this Act in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs authorized under this Act and related preschool, elementary and secondary Federal programs under other Federal law;

"(C) to evaluate the short- and long-term effects of demonstration projects that show the most promise of enabling children served under this Act to meet challenging standards in accordance with subsection (c); and

"(D) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

"(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall use such funds to carry out paragraph (1).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use not more than 90 percent of the funds made available under subsection (a) to carry out—

"(A) independent studies of programs authorized under this Act that are coordinated with research supported through the Office of Educational Research and Improvement, and use

rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment as appropriate, to determine—

"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;

"(ii) the short- and long-term effects of program participation on program participants, as appropriate;

"(iii) the cost and efficiency of such programs; and

"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

"(B) in collaboration with the national assessment conducted pursuant to section 1601, conduct a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—

"(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preelementary, elementary, or secondary education;

"(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;

"(iii) include a comprehensive review of the programs developed under the Acts described in subparagraph (D) to determine such programs' overall effect on—

"(I) the readiness of children for schooling;

"(II) the improvement in educational attainment of students in elementary and secondary education; and

"(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;

"(iv) include a comprehensive review of the programs under the Acts described in subparagraph (D) to determine such programs' overall effect—

"(I) on school reform efforts undertaken by States; and

"(II) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;

"(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and the National Education Statistics and Improvement Council (and any other Federal board established to analyze, address, or approve education standards and assessments) coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and

"(vi) include a review of the programs under the Acts described in subparagraph (D) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies.

"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(c) EVALUATION OF DEMONSTRATIONS OF INNOVATIVE PRACTICES.—The Secretary shall use at least 10 percent of funds reserved under subsection (a) for evaluation of demonstration projects assisted under this Act in order to improve student achievement. Such evaluation shall—

"(1) identify specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

"(2) use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, to the extent feasible, to produce reliable evidence of effectiveness;

"(3) assess at the end the reauthorization period of each demonstration project the knowledge gained in identifying and disseminating effective management and educational practices; and

"(4) to the extent feasible, the cost of serving all students eligible to be served under such demonstration projects.

"(d) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.

"TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

"SEC. 11101. SHORT TITLE.

"This title may be cited as the 'Cultural Partnerships for At-Risk Children and Youth Act of 1994'.

"SEC. 11102. FINDINGS.

"The Congress finds that—

"(1) with local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

"(2) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

"(3) school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children; and

"(4) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

"SEC. 11103. DEMONSTRATION PROGRAM.

"(a) GRANTS AUTHORIZED.—

"(1) GRANT FROM SECRETARY.—(A) The Secretary, by grant, shall award all funds appropriated under section 11108 to the Committee established under subsection (b) to enable such Committee to award subgrants in accordance with paragraph (2).

"(B) The Committee established under subsection (b) may reserve not more than 5 percent of the grant funds received under paragraph (1)

in each fiscal year for the costs of administration.

"(2) SUBGRANTS.—(A) From grant funds received under paragraph (1)(A) and not reserved under paragraph (1)(B), the Committee established under subsection (b) shall award subgrants to eligible entities to enable such entities to improve the educational performance and potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services to such children and youth.

"(B) Each eligible recipient may reserve not more than 5 percent of any subgrant funds received under this part in each fiscal year for the costs of administration.

"(3) ELIGIBLE ENTITIES.—For purposes of this title, the term 'eligible entity' means—

"(A) for purposes of determining eligibility for a subgrant under this title to serve in-school children and youth, a partnership between—

"(i) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and

"(ii) at least 1 institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

"(I) a nonprofit institution of higher education, local arts agency, cultural institution, or zoological or botanical facility; or

"(II) a private for-profit entity with an effective history of training children and youth in the arts or humanities; and

"(B) for purposes of determining eligibility for a subgrant under this title to serve out-of-school youth, a partnership between—

"(i) at least 1 entity described in clause (i) or (ii) of subparagraph (A); and

"(ii) at least 1 entity described in clause (ii) of subparagraph (A).

"(b) NATIONAL COMMITTEE ON CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH.—

"(1) ESTABLISHMENT.—There is established a committee to be known as the National Committee on Cultural Partnerships for At-Risk Children and Youth (referred to in this title as the 'Committee').

"(2) MEMBERSHIP.—The Committee shall be comprised of 8 members, of whom—

"(A) 2 members shall be appointed by the Secretary of Education;

"(B) 2 members shall be appointed by the Chairperson of the National Endowment for the Humanities;

"(C) 2 members shall be appointed by the Chairperson of the National Endowment for the Arts; and

"(D) 2 members shall be appointed by the Director of the Institute of Museum Services.

"(c) AWARD OF SUBGRANTS.—

"(1) IN GENERAL.—The Committee shall award subgrants under this title to eligible entities seeking to carry out programs designed to—

"(A) promote and enhance educational and cultural activities;

"(B) provide integration of community cultural resources into the regular curriculum and school day;

"(C) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(D) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;

"(E) facilitate school-to-work transition from secondary schools and alternative schools to job

training, higher education, and employment through educational programs and activities that utilize school resources;

"(F) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

"(G) develop programs and strategies that—

"(i) provide high-quality coordinated educational and cultural services; and

"(ii) are designed to integrate such coordination into the regular curriculum and to replicate the services in other schools.

"(2) SPECIAL RULE.—Subgrants awarded under this title shall be of sufficient size, scope, and quality to be effective.

"(3) COORDINATION.—(A) The Committee shall award subgrants under this title only to eligible entities that agree to coordinate activities carried out under this part with other Federal, State, and local programs designed to serve the purposes and target populations described in this title.

"(B) The Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by—

"(i) the National Endowment for the Humanities;

"(ii) the National Endowment for the Arts; and

"(iii) the Institute for Museum Services.

"(4) GEOGRAPHIC DISTRIBUTION.—In awarding subgrants under this title the Committee, to the extent feasible, shall ensure an equitable geographic distribution of such subgrants.

"(5) PRIORITY.—In awarding subgrants under this title the Committee may give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours.

"(6) RENEWAL.—The recipient of a subgrant under this title may be eligible for funding for a maximum of 5 years, if the Committee determines that the eligible recipient has made satisfactory progress toward the achievement of the program goals described in the application.

"(7) CRITERIA AND PROCEDURES.—The Committee shall establish and transmit to the Secretary criteria and procedures for awarding subgrants under this title. The Secretary shall publish such criteria and procedures in the Federal Register.

"(d) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity seeking a subgrant under this title shall submit an application to the Committee at such time, in such manner, and accompanied by such information as the Committee may reasonably require.

"(2) CONTENTS.—Each application submitted to the Committee pursuant to paragraph (1) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this title will be perpetuated beyond the duration of the subgrant;

"(F) describe the manner in which the eligible entity will seek to improve the educational achievement or future potential of at-risk children and youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.

"(e) TARGET POPULATION.—To be eligible for a subgrant under this title, an eligible entity shall serve—

"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

"(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or

"(3) any combination of in-school and out-of-school at-risk children and youth.

"SEC. 11104. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Subgrants awarded under this title may be used—

"(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;

"(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;

"(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(5) to provide transportation necessary for participation in the program;

"(6) to develop curriculum materials in the arts;

"(7) for staff development activities that encourage the integration of the arts into the curriculum;

"(8) for stipends that allow local arts and humanities professionals to work with at-risk children and youth in schools;

"(9) for training individuals who are not trained to work with children and youth;

"(10) for cultural programs that encourage the active participation of parents in the education of their children;

"(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;

"(12) for equipment or supplies that the Committee determines appropriate; and

"(13) for evaluation, administration, and supervision.

"(b) TEACHERS.—Each recipient of a subgrant under this title serving in-school children and youth shall carry out the activities described in the application with the involvement of a certified teacher or trained instructor.

"SEC. 11105. PLANNING SUBGRANTS.

"(a) IN GENERAL.—The Committee may award planning subgrants to eligible entities under this title.

"(b) AMOUNT.—A planning subgrant shall be in an amount not to exceed \$50,000.

"(c) DURATION.—A planning subgrant shall be for a period of not more than 1 year.

"(d) LIMITATIONS.—An eligible entity may receive not more than 1 planning subgrant under this section.

"SEC. 11106. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 11103, the Federal share of the cost of the activities described in the application.

"(b) COST SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a subgrant under this title shall be 80 percent of the cost of carrying out the activities described in the application.

"(2) NON-FEDERAL SHARE.—The non-Federal share of a subgrant under this title shall be 20 percent of the cost of carrying out the activities described in the application and may be in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

"(c) LIMITATIONS.—

"(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the subgrant funds provided in any fiscal year under this title may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 11104(a).

"(2) SUPPLEMENT AND NOT SUPPLANT.—Subgrant funds awarded under this title shall be used to supplement and not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this title.

"SEC. 11107. MODELS.

"The Secretary, in consultation with the Committee, shall disseminate information concerning successful models under this title through the National Diffusion Network.

"SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) LIMITATIONS.—

"(1) CONTINGENT APPROPRIATIONS.—Notwithstanding any other provision of law, no amounts shall be made available to carry out this title in any fiscal year unless there is appropriated—

"(A) not less than \$177,000,000 for the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act of 1965;

"(B) not less than \$170,000,000 for the National Endowment for the Arts under such Act; and

"(C) not less than \$28,000,000 for the Institute for Museum Services under the Museum Services Act.

"(2) PLANNING SUBGRANTS.—Not more than 10 percent of the amount appropriated in each fiscal year pursuant to subsection (a) shall be used for planning subgrants under section 11105.

"TITLE XII—DISCLOSURE REQUIREMENTS

"SEC. 12001. DEFINITIONS.

"As used in this title:

"(1) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.

"(2) EDUCATIONAL ORGANIZATION.—(A) Except as provided in subparagraphs (B) and (C), the term 'educational organization' means any organization or entity that—

"(i) provides an educational program for a fee; and

"(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

"(B) Such term does not include—

"(i) a local educational agency, a State educational agency, a State department of education, or an elementary or secondary school;

"(ii) an institution of higher education; or

"(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

"(C) For the purpose of section 12002 only, such term—

"(i) except as provided in clause (ii), does not include an organization or entity that provides an educational program if such organization or entity recruits, for participation in such program, solely through a local school official; and

"(ii) includes any such organization or entity that offers a local school official, teacher or other school personnel compensation or any other benefit for such recruitment, except that payment of the expenses incurred by a local school official, teacher or other school personnel in performing chaperone activities related to such program shall not be considered compensation or a benefit for such recruitment.

"(3) EDUCATIONAL PROGRAM.—(A) Except as provided in subparagraph (B), the term 'educational program' means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

"(i) that is generally directed toward minors or secondary school students;

"(ii) for which a tuition or enrollment fee is charged;

"(iii) that is offered away from a student's regular place of school attendance;

"(iv) that includes not less than 1 supervised night away from home; and

"(v) that is intended to enhance a student's regular course of study.

"(B) Such term does not include a recreational program, or a social or religious activity.

"(4) LOCAL SCHOOL OFFICIAL.—The term 'local school official' means the highest administrative official serving a school district, or such individual's designee.

"(5) MINOR.—The term 'minor' means an individual who has not attained the age of 18.

"(6) MEMBERSHIP ORGANIZATION.—The term 'membership organization' includes any organization that maintains a membership list or collects dues or membership fees from its members.

"(7) RECREATIONAL ORGANIZATION.—The term 'recreational organization' includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

"(8) RECREATIONAL PROGRAM.—The term 'recreational program' includes any activity or service that is intended as an entertainment pastime.

"SEC. 12002. DISCLOSURE REQUIREMENTS.

"Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

"(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

"(A) the origin of any mailing list used for such solicitation and selection;

"(B) any recruitment through a local school official, teacher or school personnel, including any compensation or other benefit offered to such official, teacher or personnel for the recommendation of a minor for participation in the educational program;

"(C) any open enrollment activity, including the method of outreach; and

"(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

"(2) COSTS AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

"(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

"(i) food;

"(ii) lodging;

"(iii) transportation;

"(iv) program staffing;

"(v) textbooks, syllabi, or other scholastic educational program materials;

"(vi) speaker fees; and

"(vii) administrative expenses, including expenses related to—

"(I) the preparation of non-scholastic educational program materials;

"(II) the provision of financial assistance;

"(III) mailing list rental or other recruitment activity; and

"(IV) administrative salaries and consulting fees;

"(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

"(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

"SEC. 12003. NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.

"(a) IN GENERAL.—Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

"(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

"(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program,

on the basis of race, disability, or residence in a low-income area.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

"(1) participation in an educational program or any benefit associated with such program; or

"(2) a waiver of any fee charged for such participation or benefit.

"SEC. 12004. ENFORCEMENT.

"The Secretary shall—

"(1)(A) widely disseminate information about the requirements of this title to State and local school officials and parents; and

"(B) require educational organizations to submit appropriate information or assurances regarding such organizations' compliance with this title; and

"(2) take whatever other steps the Secretary determines are appropriate to enforce this title, including—

"(A) promulgating regulations;

"(B) establishing a complaint process;

"(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

"(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this title; and

"(E) imposing civil fines (not to exceed \$1,000 per violation) on educational organizations that knowingly violate this title.

"TITLE XIII—TARGETED ASSISTANCE PROGRAM

"PART A—GENERAL PROVISIONS

"SEC. 13101. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year,

the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and Palau, to be allotted in accordance with their respective needs for assistance under this title.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this section—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 13102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sum made available each year under section 13101, the State educational agency shall distribute not less than 80 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title,

for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this title.

"(2) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section

13101 for a fiscal year, such agency shall distribute to each eligible local educational agency which has submitted an application as required in section 13303 the amount of its allocation as determined under subsection (a).

"(2) **ADDITIONAL FUNDS.**—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"PART B—STATE PROGRAMS

"SEC. 13201. STATE USES OF FUNDS.

"(a) **AUTHORIZED ACTIVITIES.**—A State educational agency may use funds reserved for State use under this title only for—

"(1) State administration of programs under this title including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this title; and

"(2) technical assistance and direct grants to local educational agencies and statewide activities which assist local educational agencies to provide targeted assistance as provided in section 13301.

"(b) **LIMITATIONS AND REQUIREMENTS.**—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 13202. STATE APPLICATIONS.

"(a) **APPLICATION REQUIREMENTS.**—Any State which desires to receive grants under this title shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this title;

"(2) sets forth planned allocation of funds reserved for State use under section 13102(a) among the targeted assistance programs described in section 13301 and describes programs, projects, and activities which are designed to carry out such targeted assistance, together with the reasons for the selection of such programs, projects, and activities;

"(3) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2);

"(4)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title;

"(B) provides for an evaluation of the effectiveness of programs assisted under this title;

"(5) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this title);

"(6) provides assurance that, apart from technical and advisory assistance and monitoring

compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditures made pursuant to an application under section 13301;

"(7) provides the following information: (A) how the State will adjust its formula to comply with section 13102(b)(2), (B) how children under section 13102(b)(2)(A) are defined, (C) the basis on which a determination of the local educational agencies under section 13102(b)(2)(A) is made, and (D) the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 13102; and

"(8) contains assurances that there is compliance with the specific requirements of this title.

"(b) **PERIOD OF APPLICATION.**—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) **AUDIT RULE.**—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average \$5,000 each year under this title need not be audited more frequently than once every 5 years.

"PART C—LOCAL TARGETED ASSISTANCE PROGRAMS

"SEC. 13301. TARGETED USE OF FUNDS.

"(a) **GENERAL RULE.**—Funds allocated for use under this title shall be used by State and local educational agencies for targeted assistance described in subsection (b).

"(b) **TARGETED ASSISTANCE.**—The targeted assistance programs referred to in subsection (a) are—

"(1) programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that will be used to improve student achievement;

"(2) programs to improve the higher order thinking skills of economically disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(3) programs to combat illiteracy in the student and adult population, including parent illiteracy;

"(4) programs to provide for the educational needs of gifted and talented children;

"(5) school facility repair, renovation, improvement and construction;

"(6) school reform activities that are consistent with the Goals 2000: Educate America Act for local educational agencies that do not receive assistance under that Act; and

"(7) school improvement programs or activities under sections 1118 and 1119.

"SEC. 13302. AUTHORIZED ACTIVITIES.

"(a) **IN GENERAL.**—Activities authorized under this part may include the planning, development, or operation and expansion of programs, projects, and activities which are designed to carry out the targeted assistance described in section 13301. Such activities may include—

"(1) training of educational personnel and education policymakers in any of the targeted assistance programs described in section 13301;

"(2) guidance and pupil services; and

"(3) any other education or related activities which the State or local educational agency determines will contribute to improving the programs described in section 13301.

"(b) **ADMINISTRATIVE AUTHORITY.**—In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, educational service agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 13303. LOCAL APPLICATIONS.

"(a) **CONTENTS OF APPLICATION.**—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1) sets forth the planned allocation of funds among targeted assistance programs described in section 13301 and describes the programs, projects, and activities designed to carry out such targeted assistance which the State educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities;

"(2) describes how assistance under this title will contribute to the goals of the program of improving student achievement or improving the quality of education for students;

"(3) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and

"(4) provides, in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) **PERIOD OF APPLICATION.**—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds among programs and purposes authorized by this title for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) **LOCAL EDUCATIONAL AGENCY DISCRETION.**—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance of this part. In exercising such discretion, a local educational agency shall ensure that expenditures under this part carry out the purposes of this title and are intended to meet the educational needs within the schools of that local educational agency.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"SEC. 13401. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$325,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XIV—NATIONAL EDUCATION STATISTICS

"SEC. 14001. SHORT TITLE.

"This part may be cited as the 'National Education Statistics Act of 1994'.

"SEC. 14002. FINDINGS; PURPOSE; DEFINITIONS.

"(a) **FINDINGS.**—The Congress finds that—

"(1) a Department Office of Education was established in 1867 for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and

methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country;

"(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

"(3) looking to the 21st Century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of our Nation's educational systems.

"(b) PURPOSE.—It is the purpose of this part to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

"(c) DEFINITIONS.—For the purpose of this part, the term—

"(1) 'Assistant Secretary' means the Assistant Secretary for Educational Research and Improvement provided for under section 202(b)(1)(E) of the Department of Education Organization Act; and

"(2) 'State' and 'United States'—

"(A) other than for the purpose of section 14011, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) for the purpose of section 14011, include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 14003. NATIONAL CENTER FOR EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this part referred to as the 'Center').

"(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—

"(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this part referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

"(A) have substantial knowledge of programs encompassed by under the authority of the Center;

"(B) be paid in accordance with section 5315 of title 5, United States Code; and

"(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.

"(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

"SEC. 14004. DUTIES OF THE CENTER.

"(a) DUTIES.—The Center shall collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

"(1) acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education in the United States, including data on—

"(A) State and local education reform;

"(B) student achievement and other educational outcomes, including data on secondary school completions, dropouts, and adult literacy, which education statistics and data,

whenever feasible, shall be collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(C) educational access and opportunity, including data on financial aid to postsecondary students;

"(D) teaching, including data on curriculum, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

"(E) the learning environment, including data on libraries and the incidence of crime, violence, and substance abuse;

"(F) the financing and management of education, including data on revenues and expenditures; and

"(G) the social and economic status of children;

"(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

"(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

"(4) assisting public and private educational agencies, organizations, and institutions in improving and automating their statistical and data collection activities; and

"(5) acquiring and disseminating data on educational activities and student achievement in the United States compared with those in foreign nations.

"(b) SPECIAL RULE.—The Center shall ensure that education statistics and data described in subsection (a)(1), whenever feasible, are collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(c) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to temporarily appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

"SEC. 14005. PERFORMANCE OF DUTIES.

"(a) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.

"(b) GATHERING INFORMATION.—

"(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this part.

"(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—

"(A) from States, local educational agencies, schools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

"(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

"(3) COLLECTION.—The Commissioner may—

"(A) enter into interagency agreements for the collection of statistics;

"(B) arrange with any agency, organization, or institution for the collection of statistics; and

"(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

"(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

"(A) provide technical assistance to Department offices that gather data for statistical purposes; and

"(B) coordinate closely with other Department offices in the collection of data.

"SEC. 14006. REPORTS.

"(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

"(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

"(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

"SEC. 14007. ADVISORY COUNCIL ON EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Center, an Advisory Council on Education Statistics (hereafter in this Act referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Council shall be composed of—

"(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education statistics, of whom at least—

"(i) three shall be educators;

"(ii) three shall be education policymakers;

"(iii) three shall be professional statisticians; and

"(iv) three shall be education researchers;

"(B) the Director of the Bureau of the Census and the Commissioner of the Bureau of Labor Statistics, as voting, ex officio members; and

"(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

"(2) PRESIDING OFFICER.—The Secretary shall appoint the presiding officer of the Council from among the voting members of the Council.

"(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for 3-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than 5 members in the same calendar year.

"(4) MEETINGS.—

"(A) IN GENERAL.—The Council shall meet at the call of the presiding officer, except that the Council shall meet—

"(i) at least 2 times during each calendar year; and

"(ii) in addition, whenever 8 voting members request in writing that the presiding officer call a meeting.

"(B) QUORUM.—Nine voting members of the Council shall constitute a quorum.

"(5) SPECIAL RULE.—The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.

"SEC. 14008. CONFIDENTIALITY.

"(a) CONFIDENTIALITY STANDARDS.—

"(1) IN GENERAL.—The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

"(2) PROHIBITION.—No person may—

"(A) use any individually identifiable information furnished under this part for any purpose other than a statistical purpose;

"(B) make any publication whereby the data furnished by any particular person under this part can be identified; or

"(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this part, shall require, for any reason, copies of reports that have been filed under this part with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (4)(A)).

"(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (4)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services) under this part, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(3) TEMPORARY STAFF.—The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

"(4) DEFINITIONS.—For the purposes of this section—

"(A) the term 'individually identifiable information' means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

"(B) the term 'report' means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

"(5) VIOLATIONS.—Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(6) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restric-

tions on disclosure that apply under paragraphs (1) and (5) of subsection (b) shall apply to such individuals.

"SEC. 14009. DISSEMINATION.

"(a) GENERAL REQUESTS.—

"(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

"(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

"(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

"(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this part, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

"(d) FEES.—

"(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

"(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used for the fiscal year for which such funds are received to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

"(e) ACCESS.—

"(1) OTHER FEDERAL AGENCIES.—The Center shall, consistent with section 14008, participate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

"(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

"SEC. 14010. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

"(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.

"(b) MODEL DATA SYSTEM.—

"(1) STUDY; DESIGN; PILOT.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school and local educational agency levels.

"(2) STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in paragraph (1), the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school and local educational agency level, and shall report to the Congress not later than six months after such date regarding—

"(A) the potential for the reduction of administrative expenses at the school and local educational agency levels;

"(B) the potential usefulness of such data system to reduce such administrative expenses;

"(C) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(D) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 14011. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

"(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the National Assessment Governing Board established by section 14012, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this part referred to as the 'National Assessment').

"(b) PURPOSE; STATE ASSESSMENTS.—

"(1) PURPOSE.—The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall—

"(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12;

"(B) report achievement data on a basis that ensures valid and reliable trend reporting;

"(C) include, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status;

"(D) collect and report data on students receiving services under part A of title I; and

"(E) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

"(2) STATE ASSESSMENTS.—

"(A) IN GENERAL.—The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

"(B) STATE PARTICIPATION.—States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2). Such agreement shall contain information sufficient to give States full information about the process for consensus decision-making on objectives to be tested, required in section 14012(e)(5), and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

"(C) STATE REVIEW AND RELEASE OF RESULTS.—A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

"(3) PROHIBITED DATA.—In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

"(4) TECHNICAL ASSISTANCE.—In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

"(c) ACCESS.—

"(1) PUBLIC ACCESS.—Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

"(B) SPECIAL RULE.—Notwithstanding any other provision of law, the Secretary may decline to make available to the public for a period, not to exceed 10 years following their initial use, cognitive questions that the Secretary intends to reuse in the future.

"(C) TEST INSTRUMENTS.—The Secretary may, upon the request of a State educational agency or a local educational agency, make National Assessment test instruments available for assessing aggregate student achievement at the school or school district level. Before receiving such instruments, an agency shall provide assurances, satisfactory to the Secretary, that security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.

"(d) PARTICIPATION.—

"(1) NATIONAL AND REGIONAL.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

"(2) STATE.—Participation in assessments made on a State basis shall be voluntary. The Secretary shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

"(A) participate in the assessment; and

"(B) pay from non-Federal sources the non-Federal share of participation.

"(3) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

"(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

"(ii) the cost of coordination within the State; and

"(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

"(B) SPECIAL RULE.—The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

"(C) ADMINISTRATIVE COSTS.—The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private nonprofit schools included in the State sample may be met.

"(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—The Secretary shall provide for continuing reviews of both national and State assessments, including evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews. The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

"(f) COVERAGE AGREEMENTS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

"SEC. 14012. NATIONAL ASSESSMENT GOVERNING BOARD.

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this part referred to as the 'Board'), which shall formulate policy guidelines for the National Assessment.

"(b) MEMBERSHIP.—

"(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

"(A) two Governors, or former Governors, who shall not be members of the same political party;

"(B) two State legislators, who shall not be members of the same political party;

"(C) two chief State school officers;

"(D) one superintendent of a local educational agency;

"(E) one member of a State board of education;

"(F) one member of a local board of education;

"(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) one representative of business or industry;

"(I) two curriculum specialists;

"(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

"(K) one nonpublic school administrator or policymaker;

"(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

"(M) four additional members who are representatives of the general public, including parents.

"(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

"(3) SPECIAL RULE.—The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

"(c) TERMS.—Members of the Board shall serve for terms not to exceed 4 years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

"(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

"(e) DUTIES.—

"(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

"(A) select subject areas to be assessed (consistent with section 14011(b)(1));

"(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

"(C) develop assessment objectives;

"(D) develop test specifications;

"(E) design the methodology of the assessment;

"(F) develop guidelines for analysis plans and for reporting and disseminating results;

"(G) develop standards and procedures for interstate, regional, and national comparisons; and

"(H) take appropriate actions needed to improve the form and use of the National Assessment.

"(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

"(3) COGNITIVE ITEMS.—The Board shall have final authority on the appropriateness of cognitive items.

"(4) BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(5) GOALS STATEMENTS.—Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

"(f) PERSONNEL.—

"(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

"(2) STAFF.—The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed 3 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees to administer this subsection, who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—Not to exceed 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's duties described in subsection (e).

"(2) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

"SEC. 14013. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XV—EDUCATION INFRASTRUCTURE

"SEC. 15001. SHORT TITLE.

"This title may be cited as the 'Education Infrastructure Act of 1994'.

"SEC. 15002. FINDINGS.

"The Congress finds that—

"(1) improving the quality of public elementary and secondary school libraries, media centers, and facilities will help our Nation meet the National Education Goals;

"(2) Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need; and

"(3) the challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

"SEC. 15003. PURPOSE.

"It is the purpose of this title to help our Nation meet the National Education Goals through the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities, used for academic or vocational instruction.

"SEC. 15004. DEFINITIONS.

"For purposes of this title—

"(1) the term 'alteration' refers to any change to an existing property for use for a different purpose or function;

"(2) the term 'construction' refers to the erection of a building, structure, or facility, including the concurrent installation of equipment, site preparation, associated roads, parking, and utilities, which provides area or cubage not previously available, including—

"(A) freestanding structures, additional wings, or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist; and

"(B) the complete replacement of an existing facility;

"(3) the term 'eligible local educational agency' means a local educational agency which demonstrates in the application submitted under section 15006 that such agency—

"(A) has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities, used for academic or vocational instruction; and

"(B) serves large numbers or percentages of disadvantaged students;

"(4) the term 'renovation' refers to any change to an existing property to allow its more efficient use within such property's designated purpose;

"(5) the term 'repair' refers to the restoration of a failed or failing real property facility, component, or a building system to such a condition that such facility, component, or system may be used effectively for its designated purpose, if, due to the nature or extent of the deterioration or damage to such facility, component, or system, such deterioration or damage cannot be corrected through normal maintenance;

"(6) the term 'rural eligible local educational agency' means an eligible local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area; and

"(7) the term 'urban eligible local educational agency' means an eligible local educational agency which—

"(i) serves the largest central city in a State;

"(ii) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(iii) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"SEC. 15005. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (b) in any fiscal year, the Secretary shall award grants to eligible local educational agencies having applications approved under section 15006 to carry out the authorized activities described in section 15007.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$400,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"SEC. 15006. APPLICATIONS.

"Each eligible local educational agency desiring to receive a grant under this title shall submit an application to the Secretary. Each such application shall—

"(1) contain an assurance that such application was developed in consultation with parents and classroom teachers; and

"(2) include—

"(A) a description of each architectural, civil, structural, mechanical, electrical, or telephone line, deficiency to be corrected with funds provided under this title, including the priority for the repair of the deficiency;

"(B) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purposes of this part;

"(C) a description of the corrective action to be supported with funds provided under this title;

"(D) a cost estimate of the proposed corrective action;

"(E) an identification of the total amount and percentage of such agency's budget used in the preceding fiscal year for the maintenance, repair, renovation, alteration, and construction of public elementary and secondary school libraries, media centers, and facilities;

"(F) a description of how such agency plans to maintain the repair, renovation, alteration, or construction supported with funds provided under this title;

"(G) a description of how activities supported with funds provided under this title will promote energy conservation;

"(H) a description of the extent to which the repair, renovation, alteration, or construction will help the Secretary meet the goals described in section 15010(1)(A); and

"(I) such other information as the Secretary may reasonably require.

"SEC. 15007. CRITERIA FOR AWARDING GRANTS.

"(a) IN GENERAL.—The Secretary shall award grants under this title on the basis of the extent to which—

"(1) the grant is needed to address conditions that compromise learning, health or safety; and

"(2) the eligible local educational agency lacks the fiscal capacity, including the ability to raise funds, to undertake the project without Federal assistance.

"(b) SPECIAL RULE.—The Secretary shall only award grants under this title if the Secretary determines that sufficient funds will be provided under this title or from other sources, including the issuance of bonds, to carry out the activities for which assistance is sought.

"(c) EQUITABLE DISTRIBUTION.—To the extent feasible, in awarding grants under this title the Secretary shall ensure that there is an equitable distribution of such grants among urban eligible local educational agencies and rural eligible local educational agencies.

"SEC. 15008. AUTHORIZED ACTIVITIES.

"Each eligible local educational agency receiving a grant under this title shall use such grant funds to help our Nation meet the National Education Goals through the repair, renovation, alteration, and construction of a public

elementary or secondary school library, media center, or facility, used for academic or vocational instruction, including—

"(1) inspection of such library, center, or facility;

"(2) repairing such library, center, or facility that poses a health or safety risk to students;

"(3) upgrading of and alteration to such library, center, or facility in order to accommodate new instructional technology;

"(4) meeting the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990;

"(5) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method;

"(6) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of such library, center, or facility; and

"(7) replacing an old such library, center, or facility that is most cost-effectively torn down rather than renovated.

"SEC. 15009. REQUIREMENTS.

"(a) SPECIAL RULES.—

"(1) MAINTENANCE OF EFFORT.—An eligible local educational agency may receive a grant under this title for any fiscal year only if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

"(2) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the repair and construction of school facilities used for educational purposes, and not to supplant such funds.

"(b) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds under this title shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this title shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this title.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) APPLICABILITY OF LAWS REGARDING INDIVIDUALS WITH DISABILITIES.—Sections 504 and 505 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 shall apply to projects carried out with Federal funds provided under this title.

"SEC. 15010. FAIR WAGES.

"All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

"SEC. 15011. FEDERAL ASSESSMENT.

"The Secretary shall reserve not more than 1 percent of funds appropriated pursuant to the authority of section 15005(b)—

"(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and

"(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of projects supported with funds provided under this title; and

"(B) evaluate the state of American public elementary and secondary school libraries, media centers, and facilities; and

"(3) to report to the Congress by July 1, 1997, regarding the findings of the studies and evaluations described in paragraph (2).

"TITLE XVI—URBAN AND RURAL EDUCATION**"SEC. 16001. DEFINITIONS.**

"Except as otherwise provided, for the purposes of this title:

"(1) **CENTRAL CITY.**—The term 'central city' has the same meaning used by the Bureau of the Census.

"(2) **COMMUNITY-BASED ORGANIZATION.**—The term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community.

"(3) **COMMUNITY AS SCHOOL CONCEPT.**—The term 'community as school concept' means the mutual sharing of the local public school's and the local community's human, financial, technical, and environmental resources to help meet each others needs;

"(4) **METROPOLITAN STATISTICAL AREA.**—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

"(5) **POVERTY LEVEL.**—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers.

"(6) **RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term 'rural eligible local educational agency' means a local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

"(7) **STATE.**—The term 'State' means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(8) **URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term 'urban eligible local educational agency' means a local educational agency that—

"(A) serves the largest central city in a State;

"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"PART A—URBAN SCHOOLS**"SEC. 16101. SHORT TITLE.**

"This part may be cited as the 'Urban Schools of America (USA) Act of 1994'.

"SEC. 16102. FINDINGS.

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

"(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately \$30,000,000,000 per year;

"(5) urban public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) urban public schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

"(7) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(8) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

"(9) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

"(10) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(11) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

"(12) declining numbers of urban minority secondary school graduates are pursuing post-secondary educational opportunities;

"(13) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

"(14) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

"(15) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(16) Federal and State funding of urban public schools has not adequately reflected need; and

"(17) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

"SEC. 16103. PURPOSE.

"It is the purpose of this part to provide financial assistance to—

"(1) assist urban public schools in meeting National Education Goals;

"(2) improve the educational and social well-being of urban public school children;

"(3) close the achievement gap between urban and nonurban public school children, while improving the achievement level of all children nationally;

"(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

"(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

"(6) encourage community, parental, and business collaboration in the improvement of urban schools.

"Subpart 1—Urban School Improvement**"SEC. 16121. ALLOCATION OF FUNDS.**

"(a) **RESERVATION.**—

"(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall reserve 5 percent of the amounts appropriated or otherwise made available to carry out this subpart for any fiscal year, to provide incentive awards in accordance with section 16126.

"(2) **INAPPLICABILITY.**—Paragraph (1) shall not apply for the first year for which funds are appropriated to carry out this subpart.

"(b) **FEDERAL ALLOTMENT.**—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each urban eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such urban eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section in such preceding fiscal year by all urban eligible local educational agencies.

"(c) **RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.**—Each urban eligible local educational agency shall reserve not more than 5 percent of the amounts allotted under subsection (b) for any fiscal year, to make as many grants as practicable for the activities described in section 16124 to—

"(1) community-based organizations; or

"(2) nonprofit partnerships between the urban eligible local educational agency and city-wide collaboratives of private sector businesses or universities.

"(d) **PAYMENTS.**—The Secretary shall make annual payments only to urban eligible local educational agencies that—

"(1) comply with the provisions of section 16125; and

"(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 16125 shows progress toward meeting National Education Goals.

"(e) **ADMINISTRATIVE COSTS.**—Not more than 5 percent of any allotment or grant made under this subpart may be used for administrative costs.

"SEC. 16122. APPLICATION.

"(a) **APPLICATION REQUIRED.**—

"(1) **URBAN LOCAL EDUCATIONAL AGENCIES.**—

"(A) **IN GENERAL.**—Any urban local educational agency desiring to receive an allotment from the Secretary to carry out this subpart shall—

"(i) develop and prepare an application;

"(ii) submit to the State educational agency the application for review and comment; and

"(iii) submit the application described in clause (i) to the Secretary for approval.

"(B) **DURATION.**—Except as provided in section 16125, the application described in clause (i) may be for a period of not more than 5 years.

"(2) **COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.**—Any community-based organization or nonprofit partnership referred to in section 16121(c) desiring to receive a grant from an urban eligible local educational agency pursuant to section 16126 shall—

"(A) submit an application to the urban eligible local educational agency;

"(B) describe in the application the collaborative efforts undertaken with the urban eligible

local educational agency in designing a program to meet the purposes of this subpart; and

"(C) describe in the application how funds will be used to help meet the education goals selected by the urban eligible local educational agency pursuant to subsection (b).

"(b) **CONTENTS OF URBAN LOCAL EDUCATIONAL AGENCY APPLICATION.**—Each application submitted by an urban eligible local educational agency shall include a description of—

"(1) the ranking of all schools in the urban eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 16127(a);

"(2) the community served by the urban eligible local educational agency and the effects of the community on the educational conditions within the schools served by the urban eligible local educational agency;

"(3) the academic and other goals selected by the urban eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(4) how funds received under this subpart will be used to meet the National Education Goals selected by the urban eligible local educational agency;

"(5) how promising or successful models or programs will be replicated in designing activities assisted under this subpart; and

"(6) the statistical indicators and other criteria that the urban eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the urban eligible local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.

"SEC. 16123. PLANNING PERIOD.

"Any urban eligible local educational agency requiring additional planning efforts to meet the provisions of this subpart may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that not more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of such planning shall be submitted to the Secretary not later than the end of the first project year.

"SEC. 16124. USES OF FUNDS.

"(a) **IN GENERAL.**—Funds allotted under this subpart shall be used by urban eligible local educational agencies, community-based organizations, or nonprofit partnerships to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of urban public school children to at least the national average, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

"(D) supplementary academic instruction;

"(E) efforts to improve problem-solving and higher-order thinking skills;

"(F) programs to increase student motivation for learning; and

"(G) efforts to lengthen the school day or school year, or to reduce class sizes;

"(2) ensure the readiness of all urban public school children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes and parent involvement activities;

"(C) activities designed to coordinate pre-kindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) upgrading the qualifications of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;

"(3) increase the graduation rates of urban public school students to at least the national average, such as—

"(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;

"(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support, such as mentoring programs;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;

"(D) efforts to increase voter registration among eligible public secondary school students;

"(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

"(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

"(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

"(F) activities specifically designed to increase the number of minority teachers in urban schools;

"(G) programs designed to 'grow your own' teachers;

"(H) incentives for teachers to work in inner-city public schools; and

"(I) collaborative activities with urban universities to revise and upgrade teacher training programs; or

"(6) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of urban public school students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

"(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs.

"(b) **SPECIAL RULE.**—Funds allotted under this subpart may be used for the planning, development, operation, or expansion of programs and activities that are designed to assist urban public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

"(2) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance and psychological counseling, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology;

"(6) programs to serve homeless children, children in desegregation programs, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a public school assisted under this subpart; and

"(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

"(c) **PRIORITY.**—Each urban eligible local educational agency submitting an application shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other urban local educational agencies or expand successful programs within the urban eligible local educational agency.

"(d) **ACCOUNTABILITY.**

"(a) **IN GENERAL.**—The Secretary may award an allotment under this subpart to an urban eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If an urban eligible local educational agency receiving an allotment under this subpart meets the

accountability requirements described in subsection (b) at the end of the 5-year period, and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds under this subpart for an additional 3-year period.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—Except as provided in paragraph (2), if after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the satisfaction of the Secretary that such agency has increased the achievement level of urban public school students in the lowest 2 quartiles in the schools served by such agency and assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such students in the 3-year period prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 5-year period upon reapplication under section 16122.

"(2) SPECIAL RULE.—If after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be considered to have met the requirements of paragraph (1) so long as the achievement level of the schools served by such agency and assisted under this subpart did not decline over the 5-year period.

"(c) COLLECTION OF DATA.—Each urban eligible local educational agency, community-based organization, university, or nonprofit partnership receiving an allotment under this subpart shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such urban eligible local educational agency for the purposes of monitoring progress in achieving National Education Goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this subpart.

"SEC. 16126. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16121(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual public schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary success in at least 3 of the following areas:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16124.

"(2) Exemplary or unusually effective collaborative arrangements between public schools, community-based organizations, agencies, parent groups, colleges and businesses.

"(3) Identification, review, and removal of potential barriers to student performance in achieving National Education Goals, including a decrease in suspensions, expulsions, in-grade retentions, and ability groupings, and lack of access to course offerings in pre-algebra and introductory algebra.

"(4) Substantial expansion of the hours that public schools remain open for community use or student after-school recreation.

"SEC. 16127. SPECIAL RULES.

"(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—

"(1) IN GENERAL.—In order to determine which public schools are most in need of services, each urban eligible local educational agen-

cy desiring to receive an allotment under this subpart shall separately rank all public elementary and secondary schools under the jurisdiction of such agency on the basis of—

"(A) low achievement;

"(B) high poverty; and

"(C) racial isolation.

"(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each urban eligible local educational agency that receives an allotment under this subpart shall serve at least 10 percent, but not more than 20 percent, of the public schools under the jurisdiction of such agency.

"(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to paragraph (2) of this subsection, each urban eligible local educational agency that receives an allotment under this subpart—

"(A) shall serve any public school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);

"(B) may serve any public school that is determined to be most in need with respect to any 1 or more of such rankings; and

"(C) may serve any public school that received assistance under this title in a previous fiscal year.

"(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.

"Subpart 2—General Provisions

"SEC. 16131. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the "Conference") which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(2) PURPOSE.—The purpose of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of urban education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

"(C) conduct the initial planning for a permanent national advisory commission on urban education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

"(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies; and

"(D) individuals with special knowledge of and expertise in urban education.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a

final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.

"PART B—RURAL SCHOOLS

"SEC. 16201. SHORT TITLE.

"This part may be cited as the 'Rural Schools of America (RSA) Act of 1994'.

"SEC. 16202. FINDINGS.

"The Congress finds that—

"(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

"(2) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

"(3) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;

"(4) the cost to America's businesses to provide remedial education to secondary public school graduates is approximately \$21,000,000,000 per year;

"(5) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

"(7) approximately one out of every four of America's rural children are living below the poverty line;

"(8) the academic performance of students in the average rural public school system is below that of students in most suburban school systems;

"(9) rural preschoolers have less access to early childhood development programs than other children;

"(10) shortages of teachers for rural public school systems is greater than in other kinds of school systems;

"(11) a declining number of rural public secondary school graduates are pursuing post-secondary education opportunities;

"(12) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

"(13) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(14) Federal and State funding of rural public schools has not adequately reflected need; and

"(15) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of rural public schools.

"SEC. 16203. PURPOSE.

"It is the purpose of this part to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative

programs which improve performance through programs and projects designed to—

"(1) assist rural public schools in meeting National Education Goals;

"(2) encourage rural public schools to engage in school reform;

"(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

"(4) improve the educational and social well-being of rural public school children;

"(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;

"(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

"(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;

"(8) encourage community, parental, and business collaboration in the improvement of rural public schools;

"(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

"(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and

"(12) provide meaningful inservice opportunities for rural public school teachers.

"Subpart 1—Rural School Improvement

"SEC. 16221. ALLOTMENT OF FUNDS.

"(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out this subpart for any fiscal year after the first fiscal year in which the Secretary awards allotments to State educational agencies under this subpart, the Secretary shall reserve 5 percent of such funds to provide incentive awards in accordance with section 16226.

"(b) ALLOTMENTS.—

"(1) FEDERAL ALLOTMENT.—From the remainder of the funds not reserved under subsection (a), the Secretary shall allot to each State educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.

"(2) STATE ALLOTMENT.—

"(A) RESERVATION FOR ADMINISTRATIVE EXPENSES.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.

"(B) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From amounts received under paragraph (1) for any fiscal year, each State educational agency shall reserve not more than 5 percent to make as many grants as practicable for activities in accordance with the National Education Goals and described in section 16224 to—

"(i) community-based organizations; or

"(ii) nonprofit partnerships among rural eligible local educational agencies, local colleges or universities, private sector businesses, or any combination thereof, that enter into a written agreement with at least one rural eligible local educational agency.

"(C) FORMULA.—From the remainder of amounts received pursuant to paragraph (1) and not reserved pursuant to subparagraphs (A) and (B) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency with an approved application an amount which bears the same relationship to such funds as the amount such rural eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in the State.

"(D) ADMINISTRATIVE COSTS.—Not more than 5 percent of any rural eligible local educational agency's allotment under this subsection may be used for administrative costs.

"(c) REALLOTMENT.—Any amounts available for reallocation pursuant to subsections (a) and (b) shall be reallocated in the same manner as the original allotments were made.

"SEC. 16222. APPLICATION.

"(a) STATE APPLICATION.—

"(1) IN GENERAL.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the State's approach to improving education in rural public schools;

"(B) contain such information as the Secretary may reasonably require in order to make the allotment described in section 16221(b)(1); and

"(C) contain such other information or assurances as the Secretary determines necessary to ensure compliance with this subpart.

"(b) LOCAL APPLICATION.—

"(1) IN GENERAL.—Any rural eligible local educational agency desiring to receive an allotment to carry out this subpart, shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

"(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by a rural eligible local educational agency pursuant to paragraph (1) shall include a description of—

"(A) the community served by the rural eligible local educational agency and the effects of the community on the educational conditions within the public schools served by the rural eligible local educational agency;

"(B) the academic and other goals selected by the rural eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(C) how funds received under this subpart will be used to meet the National Education Goals selected by the rural eligible local educational agency;

"(D) how promising or successful models or programs will be replicated in designing activities assisted under this subpart;

"(E) which federally funded programs and activities are being expanded under this subpart; and

"(F) the statistical indicators and other criteria that the rural eligible local educational agency will use to measure progress toward meeting National Education Goals.

"(3) DURATION.—Except as provided in section 16225, the application described in paragraph (1) may be for a period of not more than 5 years.

"(c) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 16221(b)(2)(B) desiring to receive a grant from a State educational agency pursuant to such section shall—

"(1) prepare and submit an application to the State educational agency;

"(2) describe in the application the collaborative efforts undertaken with a rural eligible local educational agency in designing a program to meet the purposes of this part; and

"(3) describe in the application how funds will be used to help meet the education goals selected by a rural eligible local educational agency pursuant to subsection (b) of this section.

"SEC. 16223. PLANNING PERIOD.

"Any rural eligible local educational agency requiring additional planning efforts to meet the requirements of this subpart may use the first 3 months of the initial program year for planning purposes, subject to approval by the State educational agency, except that not more than 10 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the State educational agency.

"SEC. 16224. USES OF FUNDS.

"(a) IN GENERAL.—Funds allotted under section 16221(b)(2) shall be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of rural public school children to at least the national average, including education reform initiatives, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) supplementary academic instruction;

"(D) efforts to improve problem-solving and higher-order critical thinking skills;

"(E) programs to increase student motivation for learning;

"(F) efforts to lengthen the school day, school year, or reduce class sizes; and

"(G) encouraging the establishment of rural school consortia to increase efficiency and course offerings;

"(2) ensure the readiness of all rural children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

"(C) activities designed to coordinate pre-kindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) improving the skills of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for student-parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient and migrant preschool children;

"(3) increase the graduation rates of rural public school students to at least the national average, when funds are used to serve secondary schools, such as—

"(A) dropout prevention activities and support services for students at-risk of dropping out of school;

"(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

"(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

"(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

"(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

"(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

"(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to increase the status of the teaching profession;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

"(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

"(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

"(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

"(H) programs designed to encourage parents and students to enter the teaching profession;

"(I) incentives for teachers to work in rural public schools;

"(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

"(K) training activities for the purpose of incorporating distance learning technologies; or

"(6) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of rural students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

"(E) collaborative activities with other agencies, businesses, and community groups;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

"(b) SPECIAL RULE.—Funds allotted under section 16221(b)(2) may be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships, described in section 16221(b)(2)(B), for the planning, development, operation, or expansion of programs and activities that are designed to assist rural public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods, that will improve the delivery of services in rural settings in any of the National Education Goal areas, including staff development efforts which emphasize multicultural, gender, and disability bias-free curricula;

"(2) coordination and collaboration with other rural agencies, including State rural development councils, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology, including distance learning technologies;

"(6) programs to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a rural public school assisted under this subpart;

"(7) efforts to improve, reform and strengthen the curriculum, especially efforts to enhance critical thinking skills among rural students, and efforts to coordinate services across grade levels; and

"(8) other activities designed to assist in achieving the National Education Goals.

"(c) PRIORITY.—Each eligible rural local educational agency submitting an application under this section shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other local educational agencies or expand successful programs within the rural eligible local educational agency.

"SEC. 16225. ACCOUNTABILITY.

"(a) IN GENERAL.—The State educational agency may award an allotment under this subpart to a rural eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If a rural eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of 5 years

and the requirements described in subsection (c) at the end of each year, as determined by the State educational agency, such local educational agency shall be eligible to continue the project with funds under this subpart for an additional 3 years if such local educational agency so desires.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the satisfaction of the State educational agency that such rural eligible local educational agency has increased the achievement within the lowest 2 quartiles of students in rural public schools assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in comparison to the year prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this subpart for an additional 5 years upon reapplication under section 16222.

"(2) SPECIAL RULE.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be deemed to have met the requirements of paragraph (1) so long as the average achievement level of the public schools assisted under this subpart did not decline over the previous 5-year period.

"(c) COLLECTION OF DATA AND CERTIFICATION.—

"(1) IN GENERAL.—Each rural eligible local educational agency, community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), receiving assistance under this subpart shall annually collect and submit to the State educational agency data based on the statistical indicators and other criteria described in the application submitted by such rural eligible local educational agency for the purposes of monitoring progress in achieving the National Education Goals in accordance with paragraph (2). Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the public schools served under this subpart or other special factors.

"(2) CERTIFICATION.—Each rural eligible local educational agency receiving an allotment pursuant to section 16221(b)(2) shall annually certify to the State educational agency that such rural eligible local educational agency has—

"(A) complied with the provisions of this subsection; and

"(B) made progress toward meeting National Education Goals and the goals described in section 16222(b)(2)(D).

"SEC. 16226. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16221(a) or otherwise made available, the Secretary is authorized to make competitive awards to rural eligible local educational agencies to enable such agencies to provide assistance to individual schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary at least 3 of the following:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16224.

"(2) Exemplary or unusually effective collaborative arrangements between the schools, community-based organizations, agencies, parent groups, colleges, and businesses.

"(3) Identification, review and removal of potential barriers to student performance in the

National Education Goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, lack of access to course offerings, and other such barriers.

"Subpart 2—General Provisions"

"SEC. 16231. WHITE HOUSE CONFERENCE ON RURAL EDUCATION."

"(a) AUTHORIZATION TO CALL CONFERENCE.—"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (referred to in this section as the 'Conference')."

"(2) DATE.—The Conference described in paragraph (1) shall be held not earlier than November 1, 1995, and not later than October 30, 1996."

"(3) PURPOSE.—The purposes of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of rural public education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

"(C) conduct the initial planning for a permanent national commission on rural public education."

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of—

"(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies;

"(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

"(E) individuals with special knowledge of, and expertise in, rural business."

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants."

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable."

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report."

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers."

"PART C—AUTHORIZATION OF APPROPRIATIONS"

"SEC. 16301. AUTHORIZATION OF APPROPRIATIONS."

(a) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for fiscal year 1995, and

such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title, of which—

"(1) 50 percent shall be made available to carry out part A; and

"(2) 50 percent shall be made available to carry out part B."

"(b) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this title only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this title, and in no such case may such funds be used to supplant funds from non-Federal sources."

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) (hereafter in this title (other than part G) referred to as the "Act") is amended to read as follows:

"SHORT TITLE; APPLICABILITY; DEFINITIONS"

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'."

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education."

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education."

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law effective after the effective date of that Act."

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program."

"(3) The term 'Department' means the Department of Education."

"(4) The term 'Secretary' means the Secretary of Education."

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program."

SEC. 212. REPEAL.

Section 400A of the Act (20 U.S.C. 1221-3) is repealed.

PART B—THE DEPARTMENT OF EDUCATION

SEC. 221. NEW HEADING FOR PART A.

The heading for part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION"

SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.

Section 408 of the Act (20 U.S.C. 1221e-3) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY"

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department."

SEC. 223. REPEALS.

Sections 401, 402, 403 (20 U.S.C. 1221c), 406 (20 U.S.C. 1221e-1), 406A (20 U.S.C. 1221e-1a), 406B (20 U.S.C. 1221e-1b), 406C (20 U.S.C. 1221e-1c), and 407 (20 U.S.C. 1221e-2) of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

SEC. 231. AVAILABILITY OF APPROPRIATIONS.

(a) AMENDMENT TO HEADING.—The heading for section 412 of the Act (20 U.S.C. 1225) is amended to read as follows:

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS"

(b) AMENDMENT TO TEXT.—Section 412 of the Act (20 U.S.C. 1225) is further amended—

(1) in subsection (a)—

(A) by striking "to educational agencies or institutions";

(B) by striking "expenditure" and inserting "obligation"; and

(C) by striking "agency or institution concerned" and inserting "recipient";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (2) to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year."

"(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program the authorizing statute or implementing regulations of which provide a formula for allocating program funds among eligible States."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "applicable program" and inserting "applicable State formula grant program"; and

(II) by striking "and expenditure" and inserting "and expended"; and

(ii) in subparagraph (B), by striking "such educational agencies or institutions" and inserting "the recipients of such funds"; and

(3) by striking subsection (c).

SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.

Section 414 of the Act (20 U.S.C. 1226a) is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS"

"SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for two additional fiscal years unless the Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration has passed legislation that becomes law and extends, or has rejected legislation that would have extended, the authorization or duration of such program."

"(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program."

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a)."

SEC. 233. BIENNIAL EVALUATION REPORT.

Section 417 of the Act (20 U.S.C. 1226c) is amended to read as follows:

"BIENNIAL EVALUATION REPORT"

"SEC. 417. Not later than March 31, 1995, and every 2 years thereafter, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs in achieving their legislated intent and purposes during the 2 preceding fiscal years. Such report shall—

"(1) contain program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

"(2) contain recent information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and information on the costs and benefits of the applicable programs being evaluated;

"(3) address significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in the report;

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of the beneficiaries of such programs and projects; and

"(6) include the results of the program evaluations conducted in accordance with section 10107 of the Elementary and Secondary Education Act of 1965."

SEC. 234. TECHNICAL AMENDMENTS.

(a) PAYMENTS.—Section 415 of the Act (20 U.S.C. 1226a-1) is amended by striking "Commissioner" and inserting "Secretary".

(b) PROGRAM PLANNING AND EVALUATION.—Section 420 of the Act (20 U.S.C. 1228) is amended—

(1) by striking "title I of" and all that follows through "Congress" and inserting "title IX of the Elementary and Secondary Education Act of 1965"; and

(2) by striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act" and inserting "subsections (d) and (g) of section 9004 of such Act or residing on property described in section 9014(10) of such Act".

SEC. 235. REPEALS.

Sections 411 (20 U.S.C. 1223), 413 (20 U.S.C. 1226), 416 (20 U.S.C. 1226b), and 419 (20 U.S.C. 1227) of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. JOINT FUNDING OF PROGRAMS.

Section 421A of the Act (20 U.S.C. 1231) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS"

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the Federal law authorizing the appropriation of such funds and the Federal law appropriating such funds, and shall be made avail-

able only to parties eligible to receive such funds under such law.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to select recipients of funds under such project and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program."

SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 422 of the Act (20 U.S.C. 1231a) is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION"

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs, and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public regarding federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs."

SEC. 243. REVIEW OF APPLICATIONS.

Section 425 of the Act (20 U.S.C. 1231b-2) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965";

(C) in the third sentence, by inserting a comma after "the hearing"; and

(D) in the fourth sentence—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(B) by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

SEC. 244. USE OF FUNDS WITHHELD.

Section 428 of the Act (20 U.S.C. 1231e) is amended to read as follows:

"USE OF FUNDS WITHHELD"

"SEC. 428. (a) At any time that the Secretary makes an allotment or reallocation to any State under any applicable program, the Secretary shall reduce such allotment or reallocation by such amount as the Secretary determines such allotment or reallocation would have been reduced, had the data on which the allotment or reallocation is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments or reallocations of local educational agencies within the State that are not described in subsection (a), or the allotments or reallocation of all States, in accordance with the Federal law governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability."

SEC. 245. APPLICATIONS.

Subsection (a) of section 430 of the Act (20 U.S.C. 1231g) is amended by striking "for three fiscal years" and inserting "for more than 1 fiscal year".

SEC. 246. REGULATIONS.

Section 431 of the Act (20 U.S.C. 1232) is amended to read as follows:

"REGULATIONS"

"SEC. 431. (a) For the purpose of this section, the term 'regulation' means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

"(1) is prescribed by the Secretary or the Department; and

"(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

"(b) Regulations issued by the Secretary or the Department shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

"(c) All such regulations shall be uniformly applied and enforced throughout the 50 States.

"(d) The Secretary shall promulgate regulations in accordance with chapter 5 of title 5, United States Code, except that the exemption in section 553(a)(2) of such chapter for public property, loans, grants, and benefits shall apply only to regulations—

"(1) that govern a grant competition for the first year of a new program; or

"(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

"(e)(1) Following the enactment of any Act, or any part of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or part of such Act. Subject to paragraph (2) of this subsection, such schedule shall provide that all such final regulations shall be promulgated within 480 days after the date of enactment of such Act or part of such Act.

"(2) If in developing such schedule the Secretary determines in an exceptional case, for good cause, that a final regulation cannot be promulgated within the period specified in paragraph (1), the Secretary shall include in such schedule the date by which such regulation will be promulgated and the reasons for such determination."

"(3) Except as provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Secretary, for good cause, later determines that the Secretary cannot comply with such schedule for reasons unforeseen at the time such schedule was submitted, the Secretary shall notify such committees of the reasons for such finding and submit a new schedule. All such final regulations shall be promulgated in accordance with such new schedule."

"(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate."

SEC. 247. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 437 of the Act (20 U.S.C. 1232f) is amended—

(1) in subsection (a)—

(A) by striking "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" before "audit"; and

(C) by striking the last sentence; and

(2) in subsection (b), by striking "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting "to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 248. TECHNICAL AMENDMENTS.

(a) **HEADING FOR PART C.**—The heading for part C of the Act (20 U.S.C. 1230 et seq.) is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) **SECTION 427.**—Section 427 of the Act (20 U.S.C. 1231d) is amended—

(1) by striking "Commissioner" and inserting "Secretary"; and

(2) in the second sentence of the matter preceding paragraph (1), by inserting "is made" after "such determination".

(c) **SECTION 430.**—Section 430 of the Act (20 U.S.C. 1231g) is amended by striking "Commissioner" each place such term appears and inserting "Secretary".

(d) **SECTION 433.**—Section 433 of the Act (20 U.S.C. 1232b) is amended by striking "Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers" and inserting "All laborers".

(e) **SECTION 434.**—

(1) **AMENDMENT TO HEADING.**—The heading for section 434 of the Act (20 U.S.C. 1232c) is amended by striking "EDUCATIONAL".

(2) **AMENDMENT TO TEXT.**—Section 434 of the Act (20 U.S.C. 1232c) is amended—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary";

(B) by redesignating the matter following paragraph (3) of subsection (b) as subsection (c); and

(C) in subsection (c) (as redesignated by subparagraph (B)), by striking "paragraph (3)" and inserting "subsection (b)(3)".

(f) **SECTION 435.**—Section 435 of the Act (20 U.S.C. 1232d) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan";

(B) by striking "in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965"; and

(C) by striking "title V of such Act" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965" before "title V".

(g) **SECTION 436.**—Section 436 of the Act (20 U.S.C. 1232e) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(C) in paragraph (7)(B), by striking "handicapped individuals" and inserting "individuals with disabilities".

(h) **SECTION 438.**—Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking "or an administrative head of an education agency";

(B) by striking "enforce provisions of this section" and inserting "enforce this section";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "comply with the provisions of this section" and inserting "comply with this section"; and

(5) in subsection (g)—

(A) by striking "of Health, Education, and Welfare"; and

(B) by striking "the provisions of".

SEC. 249. REPEALS.

Sections 421 (20 U.S.C. 1230), 423 (20 U.S.C. 1231b), 424 (20 U.S.C. 1231b-1), 426 (20 U.S.C. 1231c), 426A (20 U.S.C. 1231c-1), and 429 (20 U.S.C. 1231f) of the Act are repealed.

SEC. 250. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

Subpart 1 of part C of the Act (20 U.S.C. 1231 et seq.) is further amended by inserting after section 425 the following new section:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES"

"SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting the ability of such students, teachers and beneficiaries to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act."

PART E—ADVISORY COMMITTEES

SEC. 251. REPEAL.

Part D of the Act (20 U.S.C. 1233 et seq.) is repealed.

PART F—RELATED AMENDMENTS TO OTHER ACTS

SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) **OFFICE OF PRIVATE EDUCATION.**—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF PRIVATE EDUCATION"

"SEC. 216. Subject to section 413, there shall be in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs, as such term is defined in section 400(c)(1) of the General Education Provisions Act, for which such children are eligible."

(b) **RULES; ACQUISITION AND MAINTENANCE OF PROPERTY.**—Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended—

(1) in section 414—

(A) by striking "(a)"; and

(B) by striking subsection (b);

(2) in section 421, by inserting "and to accept donations of services" after "personal"; and

(3) by repealing section 427.

PART G—CONFORMING AMENDMENTS

SEC. 271. THE REHABILITATION ACT OF 1973.

(a) **SECTION 9.**—Section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is repealed.

(b) **SECTION 100.**—Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended by striking subsection (d).

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.

(a) **MAXIMUM AMOUNT.**—Subsection (a) of section 611 of the Individuals with Disabilities Education Act (hereafter in this part referred to as the "Act") (20 U.S.C. 1141(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is entitled under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States."

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.";

(3) in paragraph (5)(A)—

(A) in clause (i), by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by striking "and" and inserting a period;

(C) by striking clause (iii).

(b) STATE USES.—Subsection (b) of section 611 of the Act (20 U.S.C. 1141(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged 3 through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.

"(3)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced."

(c) DISTRIBUTION.—Subsection (c) of section 611 of the Act (20 U.S.C. 1141(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such

funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3)."; and

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 5 percent of the funds received under this section or \$450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985."

(d) FORMULA.—Subsection (d) of section 611 of the Act (20 U.S.C. 1141(d)) is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) shall use such funds to ensure that each local educational agency that received funds for fiscal year 1994 under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the sum of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year."

(e) JURISDICTIONS.—Paragraph (1) of section 611(e) of the Act (20 U.S.C. 1141(e)(1)) is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau."

(f) INSUFFICIENT APPROPRIATIONS.—Subsection (g) of section 611 of the Act (20 U.S.C. 1141(g)) is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all

States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as such payments were reduced.

"(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to such agency under this section that such agency estimates such agency will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs."

SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the Act (20 U.S.C. 1141 et seq.) is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be treated as if the State agency were a local educational agency.

"(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

"(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that such children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) meet those requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by application of this section."

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) AMENDMENT.—Subsection (c) of section 684 of the Act (20 U.S.C. 1484) is amended—

(1) by redesignating paragraph (2) as paragraph (6);

(2) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraphs (3), (4), and (5) from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States."; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) For fiscal year 1995 only, the Secretary shall allot \$34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(3) Except as provided in paragraphs (4) and (5), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), excluding any amounts allotted under paragraph (2); or

"(B) \$500,000.

"(4)(A) Except as provided in paragraph (5), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities from birth through age 2.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.

"(5)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced."

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on October 1, 1994.

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

SEC. 321. STATE LITERACY INITIATIVES.

Section 702 of the Stewart B. McKinney Homeless Assistance Act (hereafter in this part referred to as "the Act") (42 U.S.C. 11421) is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau)."

SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"STATEMENT OF POLICY

"SEC. 721. It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than \$100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal

year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall use such funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to preschool programs provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services, except as required by paragraph (9);

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary

and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

"(7)(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which such children and youth are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Each plan adopted under this subsection shall—

"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which such children are enrolled; and

"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

"(10) Where applicable, each State and local educational agency shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities.

Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and chal-

lenging State student performance standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of run-away and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school and summer enrichment programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth;

"(K) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SECRETARIAL RESPONSIBILITIES

"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such

agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"DEFINITIONS

"SEC. 725. For the purpose of this subtitle, the following terms have the following meanings:

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated \$30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years."

PART C—REPEAL OF IMPACT AID STATUTES

SEC. 331. REPEAL OF IMPACT AID STATUTES.

(a) PUBLIC LAW 81-815.—The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.

(b) PUBLIC LAW 81-874.—The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.

PART D—OTHER ACTS

SEC. 341. GOALS 2000: EDUCATE AMERICA ACT.

(a) REPEALS.—Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act are repealed.

(b) GIFT AUTHORITY.—

(1) NATIONAL EDUCATION GOALS PANEL.—Section 204 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible."

(2) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—Section 215 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible."

(c) SAFE SCHOOLS.—Paragraph (2) of section 702(b) of the Safe Schools Act of 1994 (20 U.S.C. 5962(b)(2)) is amended by striking "10 percent" and inserting "5 percent".

SEC. 342. EDUCATION COUNCIL ACT OF 1991.

Title II of the Education Council Act of 1991 (20 U.S.C. 1221-1 note) is repealed.

SEC. 343. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.

Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.

TITLE IV—MISCELLANEOUS

SEC. 401. DOCUMENTS TRANSMITTED TO CONGRESS.

In documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to offset the termination of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 by the Improving America's Schools Act of 1994.

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Workers Technology Skill Development Act".

SEC. 502. FINDINGS.

Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing

advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

SEC. 504. DEFINITIONS.

As used in this title:

(1) **ADVANCED WORKPLACE PRACTICES.**—The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

(2) **ADVANCED WORKPLACE TECHNOLOGIES.**—The term "advanced workplace technologies" includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

(3) **DEPARTMENT.**—The term "Department" means the Department of Labor.

(4) **NONPROFIT ORGANIZATION.**—The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Labor.

(6) **WORKER ORGANIZATION.**—The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.

SEC. 505. GRANTS.

(a) **IN GENERAL.**—The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 503.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an entity shall—

(1) be a nonprofit organization, or a partnership consortium of such institutions or organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).

(c) **USE OF AMOUNTS.**—An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 503 through activities such as—

(1) the dissemination of information to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers regarding successful practices relating to the effective deployment of advanced workplace technologies, and advanced workplace practices;

(2) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(3) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and that are consistent with the needs of local communities and the need for a healthy environment; and

(4) the development and dissemination of training programs and materials relating to the services provided pursuant to paragraphs (1) through (3).

(d) TERMS OF GRANTS AND NON-FEDERAL SHARES.

(1) **TERMS.**—Grants awarded under this section shall be for a term not to exceed 6 years.

(2) **NON-FEDERAL SHARE.**—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

(e) **EVALUATION.**—The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 503 and, not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, prepare and submit a report to Congress concerning such evaluation.

SEC. 506. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.

(a) **IN GENERAL.**—

(1) **INFORMATION.**—The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

(2) **CONTENTS.**—Such information on best workplace practices shall include—

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

(b) **DISTRIBUTION.**—The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1995 through 1997.

(b) **AVAILABILITY.**—Amounts appropriated under subsection (a) shall remain available until expended.

THE PRESIDING OFFICER. The unanimous-consent request proposed by the Senator from Massachusetts is agreed to.

The committee modifications are as follows:

On page 465, in the table of contents, strike the item relating to section 13203.

On page 478, line 3, insert "proficient and" after "State's".

On page 478, line 8, strike "one assessment" and insert "mathematics, and reading or language arts".

On page 479, line 13, insert ", so long as a State includes in the State plan information regarding the State's efforts to validate such measures" before the semicolon.

On page 479, line 19, strike "reports" and insert "interpretive and descriptive reports, which may include scores and other information on the attainment of student performance standards".

On page 479, line 24, insert "migratory children," after "disabilities".

On page 479, line 25, strike "and".

On page 480, line 10, strike the period and insert "; and".

On page 480, between lines 10 and 11, insert the following:

"(K) particularly for assessments given in kindergarden, or grades one or two, be developmentally appropriate.

On page 480, line 25, insert ", including at least mathematics, and reading or language arts, in one grade in each school," after "assessments".

On page 481, line 16, strike "one or".

On page 487, line 20, insert ", where appropriate, educational" before "services".

On page 487, line 22, insert ", for neglected and delinquent children in community day school programs," after "children".

On page 489, between lines 15 and 16, insert the following:

"(4) give priority to serving students in the earlier grades of schools that receive funds under this part.

On page 489, line 16, strike "(4)" and insert "(5)".

On page 489, line 21, strike "(5)" and insert "(6)".

On page 490, line 12, strike "(6)" and insert "(7)".

On page 490, line 18, strike "(7)" and insert "(8)".

On page 490, line 24, strike "(8)" and insert "(9)".

On page 496, line 2, strike "and".

On page 496, line 4, strike the period and insert "; and".

On page 496, between lines 4 and 5, insert the following:

"(C) where appropriate, neglected and delinquent children in community day school programs.

On page 496, strike lines 5 through 15, and insert the following:

"(d) **INAPPLICABILITY.**—

"(1) **IN GENERAL.**—Subsections (a) and (c) shall not apply—

"(A) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in grade levels served in such area or school; or

"(B) to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

"(2) **SPECIAL RULE.**—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school described in paragraph (1) shall be at least 65 percent of the per pupil amount of funds the local educational agency serving such area or school received for that year under the poverty criterion described by such agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of children from low-income families is 50 percent or greater.

"(B) A local educational agency described in subparagraph (A) may reduce the amount of funds allocated under such subparagraph for a school attendance area or school by the amount of any supplemental State and local funds expended in such area or school for programs that meet the requirements of section 1114 or 1115.

On page 498, strike lines 3 through 21, and insert the following:

"(3) **SPECIAL RULE.**—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under section 1114 from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met. Such notice shall not be subject to the requirements in section 431 of the General Education Provisions Act or section 553 of title 5, United States Code.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to

health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

On page 502, line 17, insert "Such activities shall be jointly developed by the principal, teachers, and other staff of each school." after "standards".

On page 510, line 23, strike "proficiency in" and insert "a tested proficiency in English and".

On page 512, line 4, strike "interpretation" and insert "explanation".

On page 513, line 6, strike "(G)" and insert "(H)".

On page 528, line 12, strike "(F)" and insert "(I)".

On page 534, line 11, insert "met or" after "has".

On page 539, line 21, strike "all".

On page 539, line 22, strike "all".

On page 556, line 9, strike "1.05" and insert "1.00".

On page 557, line 8, strike "32" and insert "34".

On page 563, line 22, strike "No State", and insert "Notwithstanding subsection (d)(1), no State".

On page 608, line 6, strike "spouse" and insert "guardian".

On page 619, strike lines 19 through 21, and insert the following:

"(3) **SPECIAL RULE.**—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subparagraph (1)(A).

On page 625, line 11, strike "1701" and insert "1702".

On page 639, line 23, strike "an evaluations" and insert "and evaluations".

On page 640, between lines 3 and 4, insert the following:

"**SEC. 1704. RESERVATION OF FUNDS FOR TERRITORIES.**

"There is authorized to be appropriated for each fiscal year for purposes of each of parts D and E of this title an amount equal to not more than 1 percent of the amount appropriated for such year for such parts, for payments to the outlying areas under each such part. The amounts appropriated for each such part shall be allotted among the outlying areas according to the outlying areas' respective need for such grants, based on such criteria as the Secretary determines will best carry out the purposes of this title.

On page 642, line 21, strike "retraining" and insert "retaining".

On page 651, line 13, insert "teacher educators," after "teachers".

On page 652, line 13, insert "effective prevention and" after "staff in".

On page 652, line 14, strike "inappropriate" and insert "assure appropriate".

On page 659, line 3, insert "prevention and" before "intervention".

On page 659, line 5, strike "and inappropriate" and insert "or assure appropriate".

On page 678, line 18, insert "effective prevention and" before "intervention".

On page 678, lines 19 and 20, strike "inappropriate" and insert "assure appropriate".

On page 684, line 9, insert "prevention and" after "effective".

On page 684, line 11, strike "and inappropriate" and insert "or assure appropriate".

On page 688, lines 1 and 2, strike "and D" and insert "D and H".

On page 693, strike lines 5 through 8, and insert the following:

"ment effective collaboration—

"(A) for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program; and

"(B) in prevention and intervention strategies to alleviate the need for, or assure appropriate, referrals of children for special education services;"

On page 696, line 8, strike "and".

On page 696, line 10, strike the period and insert "; and".

On page 696, between lines 10 and 11, insert the following:

"(22) support for partnerships between (A) schools, consortia of schools, or local educational agencies, and (B) institutions of higher education, including schools of education, that encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and encourage students at institutions of higher education studying to become teachers to have direct, practical experience at schools.

On page 706, line 9, strike "and".

On page 707, line 10, strike the period and insert "; and".

On page 707, between lines 10 and 11, insert the following:

"(4) the term 'prevention', when used with respect to strategies, includes activities conducted to—

"(A) detect and overcome early manifestations of learning, health and social, and behavioral, problems that may impede later student learning and school achievement;

"(B) prevent students from failing to achieve commensurate with their abilities; and

"(C) alleviate the need, or increase the probability of appropriate referrals, for special education services.

On page 718, line 21, strike "The" and insert "Notwithstanding section 6205, the".

On page 738, line 16, strike "EDUCATIONAL TECHNOLOGY" and insert "TECHNOLOGY FOR EDUCATION".

On page 742, between lines 23 and 24, insert the following:

"(1) the term 'adult education' has the same meaning given such term by section 312 of the Adult Education Act;

On page 742, line 24, strike "(1)" and insert "(2)".

On page 743, line 6, strike "(2)" and insert "(3)".

On page 743, line 10, strike "(3)" and insert "(4)".

On page 743, line 18, strike "easily exchange" and insert "exchange easily".

On page 743, line 17, strike "(4)" and insert "(5)".

On page 743, line 21, insert "and other users" before the semicolon.

On page 743, line 22, strike "(5)" and insert "(6)".

On page 744, line 3, strike "(6)" and insert "(7)".

On page 744, line 5, strike "(7)" and insert "(8)".

On page 744, line 8, strike "(8)" and insert "(9)".

On page 744, line 12, strike "(9)" and insert "(10)".

On page 745, line 7, insert "and other educational settings" before "at".

On page 745, line 8, strike "educational".

On page 745, line 9, insert "for education" after "activities".

On page 748, line 9, strike "educational".

On page 748, line 9, insert "to education" after "technology".

On page 749, line 10, insert "the National Institute for Literacy" after "Arts".

On page 750, line 16, strike "and".

On page 750, between lines 16 and 17, insert the following:

"(v) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

On page 750, line 17, strike "(v)" and insert "(vi)".

On page 752, line 1, strike "educational".

On page 752, line 2, insert "for education" after "technology".

On page 752, line 5, insert "adult education," after "education".

On page 752, line 15, strike "educational applications" and insert "applications for education".

On page 757, line 16, strike "and schools" and insert ", schools and adult education programs".

On page 765, line 18, insert "a description of how the product can be adapted for use by students with disabilities including" before "provisions".

On page 768, line 19, strike "EDUCATIONAL".

On page 768, line 20, insert "FOR EDUCATION" after "NETWORKS".

On page 771, line 21, strike "structures and" and insert "structures".

On page 771, line 22, insert "certification and recertification of teachers, and issues related to how technology fits into the school environment," after "rights".

On page 771, line 24, strike "highways" and insert "infrastructure".

On page 771, lines 24 and 25, strike "and make recommendations to the Congress regarding such issues".

On page 784, lines 13 and 14, strike "at times other than the regular school day".

On page 789, line 18, strike "broadcasting" and insert "making".

On page 789, line 19, insert "available" before "to".

On page 790, line 17, strike "this part" and insert "subsection (a)".

On page 791, line 22, insert "the Department of Commerce," after "Agriculture".

On page 798, lines 22 and 23, strike "at times other than the regular school day in order".

On page 799, line 9, strike "part" and insert "section".

On page 799, line 24, insert "and ensuring that there is not needless duplication of existing information infrastructure" before the semicolon.

On page 801, line 23, strike "part" and insert "section".

On page 803, line 15, strike "this part" and insert "section 3203".

On page 804, line 19, strike "this part" and insert "section 3203".

On page 806, between lines 18 and 19, insert the following:

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible telecommunications partnerships to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

"(2) APPLICATION.—Each eligible telecommunications partnership desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

On page 847, beginning with line 20, strike all through page 848, line 17, and insert the following:

"(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

On page 876, line 19, insert "Chair of the Ounce of Prevention Council," after "Policy".

On page 879, lines 24 and 25, strike "the use of tobacco".

On page 880, line 2, strike "and".

On page 880, between lines 2 and 3, insert the following:

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco; and

On page 880, line 3, strike "(B)" and insert "(C)".

On page 895, between lines 11 and 12, insert the following:

"TITLE VI—INDIAN EDUCATION

"SEC. 6001. FINDINGS.

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high, for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 6002. PURPOSE.

"(a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6101. PURPOSE.

"It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—A local educational agency shall be eligible for a grant under this part for any fiscal year if the number of Indian children who are eligible under section 6106 and were enrolled in the schools of such agency and to whom the agency provided a free public education, during the preceding fiscal year—

"(1) was at least 10; or

"(2) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(b) INDIAN TRIBES.—If a local educational agency that is eligible for a grant under this part does not apply for such grant, an Indian tribe that has children who are served by such local educational agency may apply for such grant.

"SEC. 6103. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency with respect to which the Secretary has approved an application under this part an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6106 and served by such agency; and

"(B) the greater of—

"(1) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—A local educational agency or an Indian tribe (as authorized under section 6102(b)) that is eligible for a grant under section 6102, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this part in an amount that is not less than \$4,000.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State shall be an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

"(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

"(B) the greater of—

"(1) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) TRANSFER.—The Secretary shall transfer the amount determined under para-

graph (1), subject to any reduction that may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 10205.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 6104. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2) explains how Federal, State, and local programs, especially programs under title I, will meet the needs of such children;

"(3) demonstrates how funds made available under this part will be used for activities described in section 6105;

"(4) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the program assisted under this part have been properly trained to carry out such program; and

"(5) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subparagraph (a) shall include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of the Federal funds made available under this part, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this part; and

"(B) determine the extent to which funds provided to the local educational agency under this part are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) Indian parents of Indian children in the schools of the local educational agency, and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) the membership of which is at least three-fourths Indian parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 6105(c), has—

"(i) reviewed the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaska Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds, in a manner consistent with the purpose specified in section 6101, for services and activities that—

"(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for technical preparation, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 6101.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to the agency under this part to support a schoolwide program under section 1114 if—

"(1) at least 50 percent of the enrollment of the school that is the subject of the schoolwide program is comprised of Indian children;

"(2) the committee composed of parents established pursuant to section 6104(c)(4) approves the use of the funds for the schoolwide program; and

"(3) the schoolwide program is consistent with the purpose described in section 6101.

"SEC. 6106. STUDENT ELIGIBILITY AND FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this part, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this part and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims membership;

"(ii) the enrollment number establishing the membership of the child (if readily available); and

"(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(1) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 6103, an eligibility

form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 6103.

"(c) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a definition contained in section 6601.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985-1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 6103, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe, band, or group. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this part, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

"(B) Notwithstanding any other provision of law, a local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds provided to the local educational agency that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 6103.

"(g) DISTRIBUTION.—For the purposes of the distribution of funds under this part to

schools that receive funding from the Bureau of Indian Affairs pursuant to—

"(1) section 1130 of the Education Amendments of 1978; and

"(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147).

the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

"SEC. 6107. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this part the amount determined under section 6103. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this part to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been re-

quired to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this part with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institutions of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally deprived children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects as such subjects are described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in

the transition from secondary school to post-secondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; and

"(K) other services that meet the purpose described in subsection (a)(1).

"(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 6202. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institutions of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient

with the work requirement under paragraph (1).

"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship is pursuing a course of study, such amount as the Secretary determines to be necessary to cover the cost of education provided the fellowship recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—In awarding fellowships under subsection (a), the Secretary shall give priority to awarding not more than 10 percent of such fellowships to Indian students who are receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 6204. GIFTED AND TALENTED.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

"(1) two tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

"(B) are accredited by a State or regional accrediting agency or organization; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted

under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as 'Bureau schools') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) DISSEMINATION.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community of the United States.

"SEC. 6205. GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian organizations, and private institutions and organizations, to establish, on a regional basis, information centers that shall—

"(1) evaluate programs that receive assistance under this title and evaluate other Indian education programs in order to—

"(A) determine the effectiveness of the programs in meeting the special educational and culturally related academic needs of Indian children and adults; and

"(B) conduct research to determine the needs described in subparagraph (A);

"(2) provide technical assistance in the form of materials and personnel resources, upon request, to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and committees described in section 6104(c)(4) in evaluating and carrying out activities assisted under this title; and

"(3) disseminate information, upon request, to the entities described in paragraph (1) concerning all Federal education programs that affect the education of Indian children and adults, including information concerning successful models and programs designed to meet the special educational needs of Indian children.

"(b) PERIOD OF GRANT OR CONTRACT.—Each grant or contract under this section may be for a period of not more than 3 years, and may be renewed for an additional 3-year period if the Secretary annually reviews the performance of the grant recipient and determines that satisfactory progress has been made.

"(c) USE OF FUNDS.—The Secretary may award grants and enter into contracts with Indian tribes, institutions, and organizations, and public agencies and institutions for—

"(1) the dissemination, on a national basis, of information concerning education programs, services, and resources available to Indian children and adults, including evaluations of such programs, services, and resources; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children and adults may participate in achieving the purposes of such programs relating to Indian children and adults.

"(d) STATE AGENCY GRANTS AND CONTRACTS.—The Secretary shall award not more than 15 percent of the funds appropriated under subsection (g) for each fiscal year to State educational agencies.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each entity desiring assistance under this section shall submit an application to the Secretary at such time, in

such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PRIORITY.—In approving applications under this section, the Secretary shall give priority to Indian educational agencies, organizations, and institutions.

"(3) APPROVAL.—The Secretary may approve an application under this section, only if the Secretary determines that the funds made available under this section will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under this section, be made available by the State or local educational agency for the activities described in this section, and in no case will be used to supplant such funds.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education \$8,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"SEC. 6206. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Education \$3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS"

"SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS."

"(a) **IN GENERAL.**—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) **EDUCATIONAL SERVICES.**—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) **INFORMATION AND EVALUATION.**—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) **APPLICATIONS.**—

"(1) **IN GENERAL.**—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) **CONTENTS.**—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

"(3) **APPROVAL.**—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

"(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) **PRIORITY.**—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"PART D—NATIONAL RESEARCH ACTIVITIES"

"SEC. 6401. NATIONAL ACTIVITIES."

"(a) **AUTHORIZED ACTIVITIES.**—The Secretary may use funds made available under section 6602(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this title.

"(b) **ELIGIBILITY.**—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) **COORDINATION.**—Research activities supported under this section—

"(1) shall be carried out in consultation with the Assistant Secretary for Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"PART E—FEDERAL ADMINISTRATION"

"SEC. 6501. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION."

"(a) **MEMBERSHIP.**—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) **DUTIES.**—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this title—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 6502. PEER REVIEW."

"The Secretary may use a peer review process to review applications submitted to the Secretary under part B, C, or D.

"SEC. 6503. PREFERENCE FOR INDIAN APPLICANTS."

"In making grants under part B, C, or D, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

"SEC. 6504. MINIMUM GRANT CRITERIA."

"The Secretary may not approve an application for a grant under part B or C unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS"

"SEC. 6601. DEFINITIONS."

"As used in this title:

"(1) **ADULT.**—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) **ADULT EDUCATION.**—The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) **FREE PUBLIC EDUCATION.**—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) **INDIAN.**—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under this title prior to the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'.

"SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated to the Department of Education \$61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated to the Department of Education \$31,925,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) PART E.—For the purpose of carrying out part E of this title, there are authorized to be appropriated to the Department of Education \$3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 6603. CROSS REFERENCES.

"The Tribally Controlled Schools Act of 1988 is amended—

"(1) in subparagraph (C) of section 5204(a)(3) (20 U.S.C. 2503(a)(3)(C)), by striking "chapter 1 of"; and

"(2) in section 5205 (20 U.S.C. 2504)—

"(A) in subsection (a)(3), by striking "chapter 1 of"; and

"(B) in subsection (b)—

"(i) in paragraph (2), by striking "chapter 1 of"; and

"(ii) in paragraph (3)(A), by striking "chapter 1 of".

On page 916, line 2, insert "qualified" after "hire".

On page 917, line 22, strike "and nature" and insert ", nature, and past academic results".

On page 924, line 12, strike "and" after the semicolon.

On page 924, line 15, strike the period and insert "; and".

On page 924, between lines 15 and 16, insert the following:

"(3) develop, maintain, and disseminate, through comprehensive regional centers described in section 2303(a) if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.

On page 948, line 4, strike "and".

On page 948, line 8, strike the period and insert "; and".

On page 948, between lines 8 and 9, insert the following:

"(7) there is a strong documented need for cash flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

On page 949, line 8, strike "or" and insert "to eligible applicants or subgrants awarded".

On page 949, line 16, insert "shall not award more than one grant" after "Secretary".

On page 949, line 17, strike "grant" and insert "subgrant".

On page 949, line 19, strike "USE OF GRANTS" and insert "USES OF FUNDS".

On page 949, line 22, strike "grants" and insert "subgrants".

On page 950, line 2, strike "a grant" and insert "funds".

On page 950, line 3, strike "grant".

On page 950, between lines 5 and 6, insert the following:

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials;

"(iv) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(v) other initial operational costs that cannot be met from State or local sources.

On page 950, line 6, strike "(3)" and insert "(4)".

On page 950, line 12, strike "(4)" and insert "(5)".

On page 950, line 17, strike "grant" and insert "subgrant".

On page 951, line 7, insert "OF A STATE EDUCATIONAL AGENCY APPLICATION" after "CONTENTS".

On page 951, line 11, strike "shall" and insert "will".

On page 951, lines 15 and 16, strike "and the availability of grants for the establishment of such schools".

On page 951, strike lines 19 through 25, and insert the following:

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements provided for in the State's charter schools law;

On page 952, line 1, strike "eligible applicant" and insert "subgrantee".

On page 952, line 3, strike "(d)" and insert "(e)".

On page 952, line 6, strike "receiving a grant" and insert "desiring to receive a subgrant".

On page 952, line 12, insert "challenging" after "meet".

On page 952, line 23, strike "method" and insert "methods".

On page 953, line 11, insert a comma after "expired".

On page 953, line 15, strike "or State".

On page 953, line 19, strike "grant funds" and insert "subgrant funds or grant funds, as appropriate".

On page 953, line 21, strike "grant" and insert "such".

On page 954, strike lines 20 through 25, and insert the following:

"(1) IN GENERAL.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF ELIGIBLE AGENCY APPLICATION.—Each application submitted pursuant to subsection (c) shall

On page 955, strike all beginning with line 7, through page 956, line 7, and insert the following:

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the process for assessing achievement of those objectives; and

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the process for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

On page 956, line 8, strike "(b)" and insert "(c)".

On page 956, line 10, strike "grants" and insert "assistance".

On page 956, line 12, strike "(c)" and insert "(d)".

On page 956, line 14, strike ", shall award grants" and insert "shall award subgrants".

On page 956, line 15, insert "and subgrants" after "grants".

On page 956, line 22, strike "(d)" and insert "(e)".

On page 957, beginning with line 7, strike all through page 958, line 5.

On page 958, line 6, strike "8206" and insert "8205".

On page 958, line 11, strike "8204" and insert "8204(c)".

On page 959, line 15, insert ", and is operated under public supervision and direction" after "school".

On page 960, line 3, strike "Act," and insert "Act of 1975,".

On page 961, line 8, strike "8208" and insert "8207".

On page 977, line 23, strike "DEFINITIONS,".

On page 977, beginning with line 24, strike all through "CONSTRUCTION.—" on page 978, line 6.

On page 981, line 19, strike "(5)" and insert "(7)".

On page 982, line 6, strike "(5)" and insert "(7)".

On page 1035, strike lines 14 through 23.

On page 1036, line 1, strike "9002" and insert "9001".

On page 1036, line 4, insert "because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out" after "children."

On page 1036, line 5, strike "title" and insert "part".

On page 1036, line 22, strike "Indian" and insert "Federal".

On page 1036, line 23, strike "9003" and insert "9002".

On page 1038, line 23, insert "during the previous fiscal year" after "received".

On page 1038, lines 24 and 25, strike "during the previous fiscal year".

On page 1039, line 5, strike all beginning with "In" through line 10.

On page 1039, line 15, strike "9004" and insert "9003".

On page 1039, line 17, strike "9004" and insert "9003".

On page 1042, line 11, strike "9004" and insert "9003".

On page 1043, line 5, insert "and is a foreign military officer" after "government".

On page 1043, line 16, insert "and is a foreign military officer" after "government".

On page 1045, line 6, strike "9015" and insert "9014".

On page 1047, line 6, strike "9015" and insert "9014".

On page 1048, line 13, strike "academic" and insert "fiscal".

On page 1049, line 14, strike "the" and insert "not later than the first".

On page 1049, line 18, strike "9015" and insert "9014".

On page 1049, line 23, insert "(A)(i)," after "subparagraphs".

On page 1050, line 17, strike "90" and insert "95".

On page 1050, line 18, insert "for the preceding fiscal year" after "received".

On page 1050, lines 21 and 22, strike "for fiscal year 1994".

On page 1051, line 4, insert ", except that in the second such year the total amount the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received under such subsection in the preceding fiscal year" after "years".

On page 1051, line 19, strike "paragraph (1)" and insert "paragraphs (1) and (2)".

On page 1051, line 24, strike "paragraph (1)" and insert "paragraphs (1) and (2)".

On page 1052, line 6, strike "9015" and insert "9014".

On page 1052, line 16, strike "40" and insert "50".

On page 1053, lines 7 and 8, strike "or includes Federal property under exclusive Federal jurisdiction".

On page 1054, strike lines 8 through 14.

On page 1059, beginning with line 6, strike all through page 1060, line 9, and insert the following:

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—

"(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this part to carry out the purposes of this part for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 9014(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds de-

scribed in paragraph (1) received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of section 9003(a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) and assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

"(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year, then the Secretary shall ratably reduce such payments to such agencies for such year.

On page 1060, between lines 14 and 15, insert the following:

"(1) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

On page 1060, line 15, strike "9005" and insert "9004".

On page 1060, line 19, strike "9004" and insert "9003".

On page 1061, line 17, strike "9004" and insert "9003".

On page 1061, line 22, strike "9004" and insert "9003".

On page 1065, line 12, strike "9004" and insert "9003".

On page 1066, line 18, strike "9006" and insert "9005".

On page 1066, line 19, strike "9003" and insert "9002".

On page 1066, line 19, strike "9004" and insert "9003".

On page 1066, line 21, strike "9003" and insert "9002".

On page 1066, line 21, strike "9004" and insert "9003".

On page 1067, line 8, strike "9005" and insert "9004".

On page 1067, line 25, strike "9004" and insert "9003".

On page 1068, line 21, strike "9007" and insert "9006".

On page 1069, line 12, strike "February 1" and insert "May 15".

On page 1070, line 13, strike "9015" and insert "9014".

On page 1071, line 22, strike "9008" and insert "9007".

On page 1071, line 24, strike "9015" and insert "9014".

On page 1072, line 4, strike "9004" and insert "9003".

On page 1072, line 6, strike "9004" and insert "9003".

On page 1072, line 11, strike "9004" and insert "9003".

On page 1072, line 12, strike "9007" and insert "9006".

On page 1072, line 17, strike "9015" and insert "9014".

On page 1072, line 19, strike "9004" and insert "9003".

On page 1072, line 22, strike "9009" and insert "9008".

On page 1073, line 7, strike "9014" and insert "9013".

On page 1073, line 8, strike "9009" and insert "9008".

On page 1073, line 10, strike "9015" and insert "9014".

On page 1074, line 10, strike "9010" and insert "9009".

On page 1076, line 2, strike "9004" each place such term appears and insert "9003".

On page 1076, line 3, strike "9004" and insert "9003".

On page 1076, line 6, strike "9004" and insert "9003".

On page 1076, line 7, strike "9004" and insert "9003".

On page 1079, line 11, strike "9011" and insert "9010".

On page 1079, line 22, strike "9012" and insert "9011".

On page 1081, line 10, strike "9013" and insert "9012".

On page 1082, line 1, strike "9014" and insert "9013".

On page 1091, line 3, strike "9015" and insert "9014".

On page 1091, line 6, strike "9003" and insert "9002".

On page 1091, line 12, strike "9004" and insert "9003".

On page 1091, line 16, strike "9004" and insert "9003".

On page 1091, line 19, strike "9004" and insert "9003".

On page 1091, line 24, strike "9007" and insert "9006".

On page 1092, line 4, strike "9008" and insert "9007".

On page 1092, line 8, strike "9009" and insert "9008".

On page 1097, strike lines 6 through 14, and insert the following:

basis, to local educational agencies that—

"(A) have enrolled during the fiscal year for which the determination is made—

"(i) at least 1,000 immigrant children and youth; or

"(ii) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total student enrollment; or

"(B) serve small, rural and isolated school districts that have little or no experience with serving immigrant children and youth.

On page 1127, between lines 11 and 12, insert the following:

"(3) CHARTER SCHOOL.—The term 'charter school' means a public school operated under public supervision and direction, that is non-sectarian, provides elementary or secondary education, or both, does not charge tuition, and complies with relevant Federal education laws.

On page 1127, line 12, strike "(3)" and insert "(4)".

On page 1127, line 15, strike "(4)" and insert "(5)".

On page 1127, line 23, strike "(5)" and insert "(6)".

On page 1128, line 3, strike "(6)" and insert "(7)".

On page 1128, line 7, strike "(7)" and insert "(8)".

On page 1128, line 18, strike "(8)" and insert "(9)".

On page 1129, line 7, strike "(9)" and insert "(10)".

On page 1129, line 9, strike "(10)" and insert "(11)".

On page 1129, line 14, strike "(11)" and insert "(12)".

On page 1129, line 18, strike "(12)" and insert "(13)".

On page 1130, between lines 2 and 3, insert the following:

"(14) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

On page 1130, line 3, strike "(13)" and insert "(15)".

On page 1130, line 7, strike "(14)" and insert "(16)".

On page 1130, line 13, strike "(15)" and insert "(17)".

On page 1131, line 12, strike "(16)" and insert "(18)".

On page 1131, line 16, strike "(17)" and insert "(19)".

On page 1131, line 21, strike "(18)" and insert "(20)".

On page 1131, line 24, strike "(19)" and insert "(21)".

On page 1132, line 3, strike "(20)" and insert "(22)".

On page 1132, line 17, strike "(21)" and insert "(23)".

On page 1132, line 22, strike "(22)" and insert "(24)".

On page 1133, line 1, strike "(23)" and insert "(25)".

On page 1133, line 4, strike "(24)" and insert "(26)".

On page 1133, line 8, strike "(25)" and insert "(27)".

On page 1134, line 5, strike "and" and insert a comma.

On page 1134, line 7, insert ", and administrative funds under section 308(c) of the Goals 2000: Educate America Act" before the period.

On page 1135, between lines 19 and 20, insert the following:

"(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State content standards, State student performance standards, or assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

On page 1150, line 21, strike "and".

On page 1150, between lines 23 and 24, insert the following:

"(C) provides notice and information to the public regarding the waiver proposal in the manner that such agency customarily provides similar notices and information to the public; and

On page 1151, strike lines 1 through 4 and insert the following:

Act from a State educational agency—

"(A) such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency; and

"(B) notice and information regarding the waiver proposal has been provided to the public by the agency, institution, or organization requesting the waiver in the manner that such agency, institution, or organization customarily provides similar notices and information to the public.

On page 1152, between lines 12 and 13, insert the following:

"(e) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy, and civil rights organizations, other interested parties, and the public.

On page 1169, line 5, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1169, line 19, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1170, lines 16 and 17, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1170, line 22, strike the period and insert "; and".

On page 1170, between lines 22 and 23, insert the following:

"(C) a study of the waivers granted under section 10401, which study shall include—

"(1) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(1) an analysis, based on an appropriate sample of agencies, tribes, organizations, and institutions receiving waivers, of the effectiveness of such waivers in improving student performance outcomes.

On page 1211, strike lines 4 through 6, and insert the following:

"(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements awarded competitively under this section may be awarded for a period of not more than 5 years, and may be renewed at the discretion of the Commissioner for an additional period of not more than 5 years.

On page 1220, lines 5 and 6, strike "for the fiscal year for which such funds are received".

On page 1226, strike lines 10 through 20.

On page 1238, line 3, strike "or".

On page 1238, line 7, strike the period and insert "; or".

On page 1238, between lines 7 and 8, insert the following:

"(iv) has at least 7,500 students in average daily attendance at the schools of such agency and in which at least 50 percent of such students are from families with an income below the poverty level determined by using criteria of poverty established by the Bureau of the Census.

On page 1296, line 25, strike the end quotation marks.

On page 1296, after line 25, insert the following:

"TITLE XVII—GUN-FREE SCHOOLS

"SEC. 1501. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This section may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), no assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of such

agency, except that such policy may allow the chief administering officer of such agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a local educational agency that has expelled a student from such student's regular school setting from providing educational services to such student in an alternative setting, as provided by State law, policy, or otherwise determined by such local educational agency.

"(3) SPECIAL RULE.—(A) Any local educational agency serving a State that has enacted a State law prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than 1 year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

"(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending 1 year after such date.

"(4) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.

"(c) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned."

On page 1313, between lines 5 and 6, insert the following:

SEC. 247A. PRIVACY RIGHTS.

Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section."

(iii) in clause (iii) of subparagraph (C) (as redesignated by clause (i)), by striking "(C)" and inserting "(D)"; and

(iv) in subparagraph (D) (as redesignated by clause (i)), by striking "(B)" and inserting "(C)"; and

(B) in paragraph (2), by striking "or other rights" and inserting "rights";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", including the educational interests of the child for whom consent would otherwise be required" before the semicolon;

(ii) in subparagraph (H), by striking "and" after the semicolon;

(iii) in subparagraph (I), by striking the period and inserting "; and"; and

(iv) by adding at the end the following new subparagraph:

"(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

"(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii) (as redesignated by clause (i)), by inserting "except as provided in paragraph (i)(J)," before "such information"; and

(iii) by adding at the end the following new subparagraph:

"(B) If a third party outside the educational agency or institution permits access to information in violation of subparagraph (A)(i), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of at least 5 years.";

(3) in subsection (c), by striking "The Secretary shall adopt appropriate regulations to" and inserting "Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall adopt appropriate regulations, or identify existing regulations, which";

(4) in subsection (e), by inserting "effectively" before "informs"; and

(5) by adding at the end the following new subsection:

"(h) Nothing in this section shall prohibit an educational agency or institution from—

"(1) including appropriate information in the education record of any student whose presence at school is determined by school officials to pose a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.";

On page 1326, line 11, insert ", for fiscal years 1995 and 1996, and may use such funds for fiscal years 1997, 1998 and 1999," after "funds".

On page 1357, between lines 16 and 17, insert the following:

(d) STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.—Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) OUTLYING AREAS.—(A) From the amount appropriated pursuant to the au-

thority of subsection (f) for fiscal year 1994, the Secretary shall reserve a total of 1 percent to provide assistance under this section to the outlying areas.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas by the Secretary according to the relative need of such areas for assistance under this section."

On page 1357, after line 25, insert the following:

SEC. 344. STAR SCHOOLS PROGRAM ASSISTANCE ACT.

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

SEC. 345. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

SEC. 346. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

(a) IN GENERAL.—Title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is amended by striking part E.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

SEC. 347. OFFICE OF INDIAN EDUCATION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) (as amended by section 271) is further amended by adding at the end the following new section:

"OFFICE OF INDIAN EDUCATION

"SEC. 217. (a) There shall be in the Department an Office of Indian Education (hereafter in this section referred to as the 'Office').

"(b)(1) The Office shall be headed by a Director of Indian Education (hereafter in this section referred to as the 'Director') who shall—

"(A) be appointed by the Secretary; and

"(B) report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering title VI of the Elementary and Secondary Education Act of 1965;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(3) The Director shall be a career appointee in the Senior Executive Service, and shall be paid at a level determined by the Secretary.

"(c)(1) The Secretary shall give preference to Indian individuals with respect to all personnel actions of the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any Indian under section 2609 of the Revised Statutes (25 U.S.C. 45).".

SEC. 348. INDIAN EDUCATION ACT OF 1988.

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

PART E—LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION

SEC. 351. REFERENCES.

Except as otherwise specifically provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Library Services and Construction Act (20 U.S.C. 351 et seq.).

SEC. 352. AUTHORIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 4 (20 U.S.C. 351b(a)) is amended—

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) FAMILY LEARNING CENTERS.—Section 806 (20 U.S.C. 385e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part."

(c) LIBRARY LITERACY CENTERS.—Section 818 (20 U.S.C. 386g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part."

PART F—BUREAU OF INDIAN AFFAIRS

SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.

(a) ASSISTANCE TO THE SECRETARY OF THE INTERIOR.—Section 315 of the Goals 2000: Educate America Act is amended—

(1) by amending subsection (c) to read as follows:

"(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

"(1) IN GENERAL.—The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed \$500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

"(A) the standards either published in the Federal Register and effective for schools

funded by the Bureau on the date of enactment of this Act, or the State or regional standards in effect on such date for a Bureau-funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of this Act.

"(3) **FEASIBILITY STUDY PURPOSE.**—(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community's program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) **RESULTS REPORT.**—The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving America's Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year.";

(2) by adding at the end the following new subsections:

"(e) **GRANTS.**—The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), or to evaluate the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to the Au-

gustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

"(f) **STUDY.**—In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994."

(b) **SYSTEMIC TECHNOLOGY PLANNING.**—Subsection (b) of section 317 of the Goals 2000: Educate America Act is amended by adding at the end the following new paragraph:

"(3) **SECRETARY OF THE INTERIOR.**—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, the Secretary shall reserve \$75,000 for the Secretary of the Interior to enable the Secretary of the Interior to conduct, directly or through a contract, systemic technology planning for Bureau funded schools."

SEC. 362. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) **NEW CONSTRUCTION.**—The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(4)) is amended by striking "were received," and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction."

(b) **COMPOSITION OF GRANTS.**—Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e)."

(c) **PAYMENTS.**—Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) **PAYMENTS.**—

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment

of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved."

(d) **APPLICABILITY.**—Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) **CERTAIN PROVISIONS TO APPLY TO GRANTS.**—All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part."

(e) **EXCEPTIONS, PROBLEMS, AND DISPUTES.**—Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended—

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant,";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant."

SEC. 363. EDUCATION AMENDMENTS OF 1978.

(a) **BUREAU OF INDIAN AFFAIRS.**—Subsections (a) through (f) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) are amended to read as follows:

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of the Goals 2000: Educate America Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools

by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization a review of the standards in effect on the date of enactment of the Improving America's Schools Act of 1994 for the basic education of Indian children attending Bureau funded schools. Such review shall take into account the voluntary national content standards and other factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register on September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children based upon the review conducted under subsection (b). The Secretary shall publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. The Secretary shall establish final standards, distribute such final standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take

into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school."

(b) COUNSELORS FOR BOARDING SCHOOLS AND DORMITORIES.—Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(a)) is amended by adding at the end the following: "Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau funded residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services."

(c) SCHOOL BOARD TRAINING.—Subparagraph (A) of section 1128(c)(2) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(2)(A)) is amended by striking "fiscal year 1986" and inserting "fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system."

(d) FORMULA ADJUSTMENT.—Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is further amended by adding at the end thereof the following new paragraph:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment."

(e) GRANT SCHOOLS.—Paragraph (3) of section 1128(g) of the Education Amendments of 1978 (25 U.S.C. 2008(g)(3)) is amended by inserting "or grant school" after "contract school" each time such term appears.

(f) AVAILABILITY.—Subsection (h) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(h)) is amended by inserting "of a Bureau school" after "board".

(g) SPECIAL RULE.—Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection:

"(i) Beginning with academic year 1994-1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. Such payment shall be in lieu of payments that might otherwise be paid to Bureau funded or public schools on their reservations. No additional administrative cost funds will be added to the grant."

(h) UNIFORM DIRECT FUNDING AND SUPPORT.—Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1128. All amounts appropriated for distribution under this section shall be made available as provided in paragraph (2)."

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1128, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such funds are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, the allotments to be made under section 1128 to each affected school of 85 percent of such appropriation; and

"(ii) publish, not later than October 30 of such fiscal year, the allotments to be made under section 1128 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance."

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(4) in paragraph (3) (as redesignated by paragraph (3)) by striking "\$25,000" and inserting "\$35,000".

(i) STUDENT PROJECTS AND MATCHING FUNDS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end the following new subsections:

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded

school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program."

SEC. 364. STAFF OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) APPLICABILITY.—

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect—

"(A) the continued employment of any individual employed immediately before October 17, 1986; or

"(B) such individual's right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute."

SEC. 365. ENDOWMENT FUNDS.

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term 'endowment fund' means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

SEC. 366. STUDY.

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

PART G—CROSS REFERENCES AND CONFORMING AMENDMENTS

SEC. 381. CROSS REFERENCES.

(a) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—(1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 10101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) TITLE 10.—(1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "educational agency" and inserting "educational agency"; and

(B) in subsection (e)—

(i) by striking "educational agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 10101"; and

(iii) by striking "(20 U.S.C. 1058(b))".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) TOXIC SUBSTANCES CONTROL ACT.—(1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended—

(A) in subparagraph (A)—

(i) by striking "section 198" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended—

(1) by striking "section 1471(12)" and inserting "section 10101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) HIGHER EDUCATION ACT OF 1965.—(1) Paragraph (1) of section 404(c) (20 U.S.C. 1070a-23(c)(1)) is amended by striking "section 1005(c)" and inserting "section 1123(c)(1)".

(2) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part D".

(3) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended—

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part D"; and

(B) by inserting "(or such part's predecessor authority)" after "1965".

(4) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended—

(A) by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965"; and

(B) by striking "section 111(c)" and inserting "section 1123(c)(1)".

(5) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(6) Subsection (b) of section 501 of the Higher Education Act of 1965 (20 U.S.C. 1102(b)) is amended—

(A) in subparagraph (B) of paragraph (1), by striking "sections 1005 and 1006 of chapter 1 of title I" and inserting "section 1123"; and

(B) in subclause (II) of paragraph (2)(A)(ii), by striking "sections 1005 and 1006" and inserting "section 1123".

(7) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(8) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A or D".

(9) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(10) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(11) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(12) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) EDUCATION AMENDMENTS OF 1978.—Subsection (h) of section 1203 of the Education Amendments Act of 1978 (20 U.S.C. 1221-1 note) is amended by striking "section 183" and inserting "part F of title I".

(g) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—(1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking "including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(h) EDUCATION AMENDMENTS OF 1972.—Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(i) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part D".

(j) EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.—The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(k) EDUCATIONAL PARTNERSHIPS ACT OF 1988.—The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(l) SECONDARY SCHOOLS BASIC SKILLS DEMONSTRATION ASSISTANCE ACT OF 1988.—The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(m) EXCELLENCE IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION ACT OF 1990.—The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 10101".

(o) JOB TRAINING PARTNERSHIP ACT.—(1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 10101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking "chapter 1 of".

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking "chapter 1 of".

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking "parts A through D of chapter 1" and inserting "parts A through C".

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (3) of section 1091(l) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting "(as such section was in effect on the day preceding the date of enactment of this Act)" after "1965".

(q) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(6)) is amended—

(1) in subparagraph (A) of paragraph (3)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)"; and

(2) in paragraph (6)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(r) CIVIL RIGHTS ACT OF 1964.—Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(s) OLDER AMERICANS ACT OF 1965.—(1) Section 338(a) of the Older Americans Act of 1965 (42 U.S.C. 3030g-11(a)) is amended—

(A) by striking "section 1005(d)(2)" and inserting "1121(c)(1)(A)"; and

(B) by striking "(20 U.S.C. 2711(d)(2))".

(2) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended—

(A) in paragraph (1) of subsection (a)—

(i) by striking "section 1471" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 2891)"; and

(B) in paragraph (3) of subsection (b)—

(i) by striking "projects under section 1015" and inserting "programs under section 1114"; and

(ii) by striking "(20 U.S.C. 2025)".

(3) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030c(5)(B)) is amended—

(A) by striking "section 1471" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2891)".

(t) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking "chapter 1 of".

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking "chapter 1 of".

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended—

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such section's predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Section 352 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2395a) is amended by striking "section 1006" and inserting "section 1124".

(7) Subsection (b) of section 353 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396b) is amended by striking "section 1006" and inserting "section 1124".

(8) Paragraph (1) of section 368 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396f(1)) is amended by striking "section 1006" and inserting "section 1124".

(9) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "subpart 2 of part C of title II".

(10) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20)) is amended by striking "section 1471(5)" and inserting "section 10101".

(11) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7104".

(u) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(v) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(w) HEAD START TRANSITIONAL PROJECT ACT.—(1) Paragraph (4) of section 132 of the Head Start Transitional Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 10101".

(2) Subsection (a) of section 134 of the Head Start Transitional Project Act (42 U.S.C.

9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transitional Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transitional Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transitional Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended—

(A) by striking "Follow Through Act, chapter 1 of"; and

(B) by striking "part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(6) Paragraph (8) of section 136(a) of the Head Start Transitional Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part C".

(7) Paragraph (10) of section 136(a) of the Head Start Transitional Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part C".

(x) FOLLOW THROUGH ACT.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(y) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 10101".

(z) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(aa) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 382. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.

(a) ADDITIONAL REPEALS.—

(1) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) EDUCATION AMENDMENTS OF 1984.—Section 302 of the Education Amendments of 1984 is repealed.

(3) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 1991.—Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) NATIONAL ASSESSMENT OF CHAPTER 1 ACT.—Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) PUBLIC LAW 92-277.—Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966.—Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress)".

(2) TOXIC SUBSTANCES CONTROL ACT.—Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment of the Improving America's Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107)".

SEC. 383. INDIAN EDUCATION.

(a) **ADULT EDUCATION ACT.**—Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(b) **EDUCATION AMENDMENTS OF 1978.**—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended—

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1968)"; and

(2) in subparagraph (B)—

(A) by striking "the later of the following" and all that follows through "(1)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) **INDIAN EDUCATION ASSISTANCE ACT.**—Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(d) **JOHNSON-O'MALLEY ACT.**—Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-O'Malley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(i) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 6104(c)(4) of the Elementary and Secondary Education Act of 1965".

SEC. 384. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) **ADULT EDUCATION ACT.**—Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7104(5)".

(b) **AGE DISCRIMINATION ACT OF 1975.**—Clause (1) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(1)) is amended by striking "section 198(a)(10)" and inserting in lieu thereof "section 9101(13)".

(c) **ANTI-DRUG ABUSE ACT OF 1988.**—Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965".

(d) **ASBESTOS SCHOOL HAZARD ABATEMENT ACT.**—Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended—

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 10101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 10101".

(e) **CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.**—Subsection (c) of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(c)) is amended by striking "section 1006" and inserting "section 1124".

(f) **CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.**—Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7104(5) of the Elementary and Secondary Education Act of 1965".

(g) **FAMILY AND MEDICAL LEAVE ACT OF 1993.**—Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29

U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12) (20 U.S.C. 2891(12))" and inserting "section 10101".

(h) **GOALS 2000: EDUCATION AMERICA ACT.**—The Goals 2000: Educate America Act is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in paragraph (6), by striking "section 1471" and inserting "section 10101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in subparagraph (1) of subsection (b), by striking "section 1471" and inserting "section 10101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232—

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1117 and 10503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act."

(i) **IMMIGRATION AND NATIONALITY ACT.**—Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965."

(j) **NATIONAL AND COMMUNITY SERVICE ACT OF 1990.**—The National and Community Service Act of 1990 is amended—

(1) in section 101—

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding

the date of enactment of the Improving America's Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(k) **REHABILITATION ACT OF 1973.**—The Rehabilitation Act of 1973 is amended—

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 10101".

(l) **SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.**—The School-to-Work Opportunities Act of 1994 is amended—

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act."

(m) **SOCIAL SECURITY ACT.**—Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(n) **STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.**—Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 10101".

(o) **TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.**—The Tribally Controlled Schools Act of 1988 is amended—

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205—

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)—

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

On page 1358, between lines 9 and 10, insert the following:

SEC. 402. PARENTAL INVOLVEMENT.

It is the policy of the Congress that the States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to involve parents of children who display criminal or violent behavior toward teachers, students, or others on school property in disciplinary actions affecting such children.

Mr. KENNEDY. Mr. President, I ask unanimous consent the debate and discussion earlier in the morning be arranged in the RECORD so as not to interfere with the general flow of the

presentation of the debate on this legislation. I ask consent to be able to do that.

The PRESIDING OFFICER. Without objection, the debate occurring earlier this morning will be included in the RECORD in a place so as not to interfere with the debate on this particular bill.

PRIVILEGE OF THE FLOOR—S. 1513

Mr. KENNEDY. Furthermore, I ask consent two fellows on the Labor Committee staff, Jerry Hauser and Tricia Greenberg, be accord privileges of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I rise to express support for S. 1513, the Improving America's Schools Act of 1994.

This legislation, as has been pointed out in the earlier part of the opening debate, reauthorizes a number of beneficial programs that were established under the Elementary and Secondary Education Act.

The Federal Government provides a relatively small share of the financial assistance offered to our Nation's elementary and secondary schools—about 6 percent.

Nevertheless, the Federal investment has been and is substantial, and funding for the programs included in ESEA currently exceeds \$10 billion.

The Elementary and Secondary Education Act was first enacted in 1965. I think that is important because I think a lot of people assume this is new legislation. Instead, for nearly 30 years, ESEA programs have allowed schools across the country to offer services that they might otherwise be unable to provide. The \$70 million which schools in Kansas receive is greatly valued, and I am sure that every Member of this body can say the same about their own States.

Beyond dollars and cents, however, are the tangible contributions which ESEA support has made to the improvement of education.

Years ago, efforts that I began as a volunteer to start a library in my children's school received an enormous boost when ESEA was enacted and funds became available to help establish a library in the elementary school.

More recently, I have had the opportunity to visit schools throughout the State and to see that my own experience was not unique. The combination of creative teachers and a little Federal funding is a powerful one, indeed.

The largest of the ESEA programs, chapter 1, provides extra help to educationally disadvantaged children, particularly in the areas of reading and math. The additional services made available under chapter 1 often spell the difference between a child's getting a solid foundation in skills needed for future educational success or simply

muddling through years of school without these skills.

Another valuable program, I believe, Mr. President, is the chapter 2 block grant program, which allows States and localities great flexibility in supporting school improvement projects. Locally designed initiatives under chapter 2 make it possible to reflect the needs and priorities with the individual school districts. It is for this reason that local school officials have always enthusiastically supported chapter 2. As a former school board member, I place particular value on the views of those on the front lines of education, and those are the voices that we need to hear.

The chairman has gone through, as did the Senator from Rhode Island [Mr. PELL], the ESEA programs. Just to briefly reiterate some that I think are important: Even Start, which encourages parents to learn along with their children; impact aid, which has always made a difference in those areas which have significant Federal property because it provides Federal education funds to those school districts in lieu of lost tax revenue resulting from the presence of Federal property; the Blue Ribbon Schools Program, which recognizes outstanding schools providing an incentive to strive for excellence. It is not a lot of money, Mr. President, but it has made a big difference in the recognition which schools and school districts can achieve and gives them an incentive to continue to strive for excellence in education.

There is the migrant and homeless education programs, which provide supplemental services to children whose educations are disrupted by frequent moves from one school to another; and there is the chapter 1 State-operated program which provides funds for disabled students in State schools and institutions.

In addition to continuing these ongoing efforts, this legislation has a number of positive improvements, I suggest, particularly in the chapter 1 program.

A few highlights: The bill provides schools with greater flexibility to combine funds from various ESEA programs. This will make it possible to provide education services in more coordinated, comprehensive, and innovative ways. Too often today, we find that a great deal of time is spent figuring out how to fit a child into a set categorical program, rather than figuring out how to fit the program to the child.

The bill allows States to use their own assessments to measure the effectiveness of chapter 1, rather than tying them to dubious and often inappropriate standardized tests now selected by the Department of Education.

The bill more effectively targets chapter 1 funding to the poorest schools and allows States to use more accurate data to identify high poverty school districts.

It puts in place a system that will help guard against applying a lower set of expectations for disadvantaged students.

It increases the level of parental involvement in chapter 1 programs Mr. President, and I believe this is very important. I think we have come to recognize that just teachers and more money and Federal efforts are not going to solve education problems. It really takes parental caring and involvement and a student's recognition of the importance of that involvement which gives them incentives to learn and study. So I think encouraging that parental involvement, particularly in the chapter 1 programs, is very important.

Over the course of the past several months, the Committee on Labor and Human Resources has spent a great deal of time developing this legislation. I know it was pointed out earlier that this, of course, is an enormously large bill. As I pointed out, I am not quite sure why the administration's proposal regarding the reauthorization was marked out and included in the bill, and then the new portion was printed as well. It does make it look even longer than it is. But we spent a lot of time analyzing and debating and holding hearings on this reauthorization.

I am particularly pleased that the committee adopted changes which reaffirm local control and flexibility. Although I have the greatest respect for Secretary of Education Riley, I do feel that the original administration proposal went too far in trying to direct State and local education policies well beyond the chapter 1 program. I and others were concerned as well about the number of mandates which the original bill would have imposed on States and localities. I am pleased that this measure departs in several significant respects from the companion bill, H.R. 6, that was approved by the House of Representatives earlier this year.

In particular, S. 1513, the legislative language that we are considering now, does not contain any language dealing with so-called opportunity-to-learn standards. Such standards deal with issues such as resources, facilities, instruction material, and class sizes, all of which are areas that I believe are clearly State and local responsibilities.

Any time that Federal funds are involved, there is always a tension between the Government's need for accountability and the recipient's judgment about how the funds might be most effectively used.

The fine line between welcome Federal support and inappropriate interference is one that we are frequently asked to define.

In the areas of education, I think it is particularly critical that we take great care in doing so. The vitality and success of education, particularly at

the elementary and secondary level, is directly linked to the level of community involvement in the enterprise. I believe S. 1513 strikes an appropriate balance.

As is often the case with a large piece of legislation which has undergone many, many revisions, there has been a certain amount of confusion about several aspects of this bill. So having mentioned some of the things which S. 1513 does do and which I feel are positive, I want to lay out some of the things which it does not do.

S. 1513 does not mandate that home school parents be certified as teachers. There has been a great deal of confusion about this, and I want to reiterate: It does not mandate that home school parents be certified as teachers. Language has been specifically included in the bill to make it clear that home schools, as well as private and religious schools, are not affected by this legislation.

Nothing in S. 1513 mandates the adoption of national standards or outcomes-based education. Decisions about curriculum and instructional methods continue to be left to the State and local school board. They are not assigned to the Federal Government and, I suggest, never should be. In fact, the bill contains specific language which prohibits the Federal Government from prescribing or mandating curriculum or the allocation of resources. Nothing in S. 1513 would dictate how the State and local funds are spent on education.

S. 1513 includes specific language assuring that its provisions will not lead to the imposition of unfunded mandates.

Finally, S. 1513 does not authorize the use of Federal funds for school-based health clinics. It does not authorize the use of funds for school-based health clinics. Such clinics have never been supported with ESEA funds.

One disappointment I do have with this legislation is the fact that it adds a number of new programs to the Elementary and Secondary Education Act, and that is what some of those extra pages contain, Mr. President, without getting rid of any of the old programs. The administration even recommended eliminating some of the old programs, but that was not supported by the committee.

Certainly, there is always the temptation to create a new program to address a particular need or interest. Over time, however, this becomes a confusing array of small and almost-but-not-quite-the-same programs. More over, the realities of our budget situation mean that more programs will be chasing scarce dollars.

On balance, this bill moves us in a positive direction. I should like to commend the committee chairman, Senator KENNEDY, as well as the leadership of the Education, Arts and Hu-

manities Subcommittee, Senators PELL and JEFFORDS, for the efforts they have made in shaping a product which commanded strong, bipartisan support in the committee.

I urge my colleagues to join us in approving this measure.

There will be a number of amendments, Mr. President, that we recognize, and that will be an important part of the debate. But I would particularly like to call attention to the time that has been spent by the subcommittee chairman, the Senator from Rhode Island [Mr. PELL], and the ranking member of the Education, Arts and Humanities Subcommittee, the Senator from Vermont [Mr. JEFFORDS].

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Just on a technical question, I rise to clarify my earlier request. I was submitting a series of committee authorized modifications to the committee amendment. I wish to clarify that the committee amendment was modified in accordance with my request.

The PRESIDING OFFICER. The Chair understands and recognizes the clarification.

Who seeks recognition?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. President, I rise today in strong support of S. 1513, a bill to reauthorize the Elementary and Secondary Education Act. First enacted in 1965 this bill is the single largest Federal education program. The benefits to low income and educationally disadvantaged students in elementary and secondary schools can be seen across the country in rural towns like Putney, VT to sprawling urban cities like Boston and Chicago.

S. 1513 is a comprehensive bill. It includes the well-known chapter 1 program—now called title I—designed to provide financial support for schools to improve the educational opportunities of low-income students, including funds to prepare students for the transition from preschool to elementary school, to provide literacy training to parents of young children, and to serve both migrant children and children who reside in institutions for neglected and delinquent children. The bill also includes funds to address the needs of bilingual children, gifted and talented children, and includes a new emphasis on professional development and funds for schools to purchase new technology.

Passage of this bill will continue our commitment to assist our next generation to be a productive, educated people, that can adapt to a technologically complex workplace and can respond

quickly to the changing demands of society. I hope that my colleagues will join me in supporting S. 1513.

Let me take a brief moment to thank both the chairman of the committee and the chairman of the subcommittee of their willingness to work with Members from both sides of the aisle to craft what I believe is a sound bill. I would also like to thank the ranking member, Senator KASSEBAUM, for her outstanding leadership on several issues of importance to many Republican Members, especially issues concerning flexibility for States and school districts. This has been a truly bipartisan effort, and I can say without hesitation that I lend my full support to this piece of legislation.

I believe this reauthorization represents a fundamental change in thinking. The goal of this reauthorization has been to demand high standards for all children including our most disadvantaged. It is interesting to note, however, that over a year ago, before the Clinton administration had released its reauthorization proposal, I held a hearing in Montpelier, VT on the reauthorization of the Elementary and Secondary Education Act. At that time, I heard certain recommendations repeated over and over again from individuals across the educational spectrum. I am proud to say that I believe we have substantially followed those recommendations.

Witnesses at that hearing spoke about the need to give schools, school districts, and States maximum flexibility to design and carry out their programs in exchange for increased accountability to the Federal Government. We have done this with S. 1513. They told me that it was time to reward good performance in ESEA programs. Again, we have done this. In all, I believe that we have crafted an excellent reauthorization bill.

First, in the title I program we have made several changes to the bill proposed by the administration which, in my mind, have resulted in giving States and local school districts more flexibility, while at the same time ensuring that students served by the program will receive a high quality educational experience.

While there is no disagreement that all students should be taught to high academic standards, members from my own party have expressed very legitimate concerns that requiring State to develop standards and assessments will be very costly and could be construed as authorizing Federal intervention into the locally controlled issue of curriculum content. Many believed it represented a back-door approach to forcing States to participate in the Goals 2000 Program. While I supported that program and the philosophy behind it I, too, was concerned that we not demand too much, too quickly from

States. For example my State of Vermont, is close to completing its common core of learning and new assessment measures, but other States are not nearly so far along.

In my mind, the committee has found the appropriate balance between encouraging schools, teachers, and parents to have high expectations for all children—including children who come from disadvantaged backgrounds—and recognizing that the 6 percent of funds that comes from the Federal Government cannot drive the entire educational system of a State. The committee bill represents a compromise between the administration's bill, which required States to develop and use standards for all children, and current law which does not require standards at all. S. 1513 as reported by committee requires States to use standards only for children who are served by the title I program in at least math and reading. It also allows States as much as 4 years to make the transition toward new testing systems based on performance measures rather than rote fill-in-the dot tests. I think this is an excellent compromise.

Another area of deep interest to many of the Members on the committee as well as the rest of our colleagues here in the Senate is the formula by which funds are to be distributed under title I.

I would like to say a few words about what we have done and why I believe that the committee has crafted an excellent formula. In my mind the formula that has been put forward by Chairman KENNEDY and Chairman PELL strikes a good balance between targeting title I funds to areas of high poverty and fulfilling the promise that we have made to provide those needy children who live in poverty with extra assistance, whether they live in the inner cities or in rural areas.

The formula we are considering today recognizes that it costs more to educate poor children when they attend schools in districts which have high numbers or concentrations of poor students and provides grants of up to 40 percent high to serve students in these areas. Furthermore, for the first time, the formula provides rewards and incentives to those States which carry a high tax burden for education and to those States which have achieved a significant degree of funding equity in public schools across the State. While no one formula can be perfect for every State, I believe that this is a solid proposal.

At the State level, there is even greater targeting to poor areas. The within-State formula that was adopted by the committee cuts out all districts with a poverty student rate lower than 5 percent and again weights children according to the poverty of the district in which they attend school.

The formula may not go as far in targeting to high poverty areas as the

formula that the Clinton administration proposed, yet it makes considerable headway toward targeting more money on poor children than the formula in current law. Conceptually I am sure we would all support a highly targeted formula. But in practice—with limited Federal dollars—such a formula is difficult to achieve because it entails robbing from poor Peter to pay poor Paul. Until we put a high priority on education and commit the resources necessary to serve all poor children, we will continue to be forced to devise formulas which are less than perfect.

While the title I program is the largest program in the bill, there are a number of other changes that have been made to the bill which I would like to mention here.

S. 1513 includes a new—and long overdue—effort to recognize the valuable work of teachers, administrators, and school staff. Title II of the bill provides \$800 million devoted solely toward increasing access by teachers and school staff to intensive high-quality professional development activities. Studies have shown that increased access to professional development can dramatically improve classroom instruction and learning. Too often, however, there is no room in the school budget to provide for these activities. If we are to demand high standards of our students then it is essential that we give teachers and administrators the necessary tools to implement those standards. Title II recognizes the worth of our school professionals and provides the necessary fiscal support to implement these policies.

Title III of the bill provides much-needed and long-awaited Federal support for the development and purchase of educational technology. It holds the promise of helping to modernize our classrooms and prepare our young people for the increasingly technological workplace that will await them beyond the school doors. The children who will enter kindergarten this fall will be graduating from high school in the year 2007. It is critical that they learn not only how to use computers and other technology to enhance their own work, but how to use technology as a tool to open the windows to the world, through the Internet and other services that will provide them with access to any information the world over at the touch of their fingertips. Attaining this goal, however, will not be easy. Particularly in our poorer and more rural areas of the country, schools remain in the technological dark ages.

The provisions of this bill will not only stimulate development of new technological applications to education through public/private partnerships, but will also provide schools with the resources needed to purchase hardware and software and the connections necessary to link those purchases into state- and nationwide networks. Equal-

ly important, the bill contains provisions to address the needs of learners at all stages of the educational process, from pre-kindergarten through graduate school, and makes special note of the importance of technology as it relates to adult education and literacy programs.

"Programs of National Significance," title VIII, includes a number of small demonstrations which, if funded, could be replicated throughout the country. I am especially pleased that the 21st Century Community Learning Centers is one of these programs. Based on efforts in Vermont this program encourages schools to become learning centers for individuals of all ages.

The 21st Century Community Learning Centers Program is built on the notion of community education and on helping schools become centers of activity in rural and low-income communities. This program will encourage schools to bring the community into the school building, with activities and services provided by community members for the benefit of school children such as after-school tutoring programs, intergenerational mentoring programs, and on-site health and social services, as well as for the benefit of the adult members of the community, such as adult literacy classes, vocational training, and other evening programs.

Modeled after schools such as the H.O. Wheeler school in Burlington, this bill encourages the notion of community education—the coordination of education, recreation and social services in schools in order to better serve area residents and improve the quality of life for all.

Also included in title XIII is another program of great importance to me. It is the Javits Gifted and Talented Program which provides essential services to youngsters with exceptional talent. While this program receives only a fraction of the funds necessary to serve these special young people, it is nevertheless important for the Federal Government to recognize their importance to our future generations. This is an area in which we need improvement with respect to funding. I would like to thank the chairman for addressing my concerns with the program which the administration proposed, substantially diluting from its present form. S. 1513 maintains the focus of the program where it belongs—on identifying and serving gifted and talented youth.

I also strongly support provisions which have been included in the committee substitute which require rigorous evaluations of all Federal elementary and secondary education programs, including longitudinal studies where appropriate. In my mind, it is critical to know what kinds of effects these programs are having on teaching and learning. It is a pity that we have spent millions of dollars on demonstration programs over the years for which

we have no good evaluation. We do not know whether some of these programs have helped children, or whether the gains that the children have made in some programs are sustained over time or whether they fade away after 6 months or a year. It is critical to know the answers to these questions before we proceed, especially under the Goals 2000 bill, where we must provide information and guidance on which programs to replicate.

Finally, I think it is important to note that S. 1513 continues what was known as chapter 2, now entitled title XIII. As with chapter 2, title XIII continues to provide schools the flexibility to respond to emerging local education priorities. Under the original version of S. 1513, the administration proposed eliminating the program. I know that in my State, this would have meant many Vermont school districts losing valuable dollars to fund computer technology, professional development, and parental involvement initiatives. I certainly am pleased to see it included in the bill before us today.

This is an exciting time for education. We have passed the Goals 2000 Act which will set the framework for high academic standards and we are now poised to pass S. 1513. But let us not rest on our laurels. The unfortunate reality is that one in four children still remain below the most basic level of proficiency according to 1993 test results.

The number of individuals who are functionally illiterate is still far too high. S. 1513 will provide the framework for change, but nothing can be done if we do not back up our words with a strong fiscal commitment. Passage of this bill represents only half of the job, and the other half will be completed when we reorder our priorities and devote the kinds of funds necessary to adequately prepare our youth for the years to come.

I urge my colleagues to support S. 1513, but I also urge them to consider in the months and years to come the urgent need to fully fund the programs we enact. I am most hopeful that next year we can take a step toward being able to have that funding which is so critical and so necessary for the educational system.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I am very pleased to be counted as a supporter of S. 1513. Our Nation must maintain quality public education for everyone—and that is what the Improving America's School Act is all about.

Education is not just a private benefit to an individual, but is, in fact, a public good. It is the cornerstone of a healthy democracy. It is the means by

which we prepare our children to succeed, to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace.

Nonetheless, the Federal Government, as well as most States, continues to force local school districts to rely increasingly on local property taxes for public education.

In my State, in Illinois, the State share of public education funding fell from 43 percent during the 1980-81 school year to 34 percent in the 1992-93 school year, while the local share of funding increased from 48 to 58 percent during this same period.

The Federal Government's share of public education funding has also plummeted from 9.8 to 6.1 percent in just the last decade alone.

This pattern, Mr. President, is reflected nationwide and is one that we must reverse. The local property tax is, in my opinion, one of the worst funding sources for as critical a need as education. I am sure we can think of others that are not as good, but certainly the local property tax should not be the primary basis of funding for public education.

Funding for education should reflect our commitment to the importance of the social needs, and education should have a stable, elastic, responsive, and dependable funding base.

When I served, Mr. President, in my State legislature, I worked to make education my No. 1 priority, and I worked at that time to increase State support for education. In that period of time—and I served in the Illinois General Assembly for about 10 years—in that period of time, I saw candidate-after-candidate campaign on an education-first platform. We had in our State an education Governor, education mayors, and an education President; everybody was running on the basis of support for education and the importance of prioritizing it on the basis that our children are our future, that we have an obligation to them.

Well, Mr. President, I think it is time for us to make real the promise and the verbiage and the conversation around the priority that education should be. I believe that we have not only an obligation to our children to fund education, to adequately fund public education—and I daresay quality public education—but we have an obligation to ourselves, as well.

As laudable as the goal may be of prioritizing our children's needs, we also have an interest as a nation in seeing to it that our system of quality public education is maintained and is comparable and competitive with any in the world. Particularly, as we go into this information age, our support, our real support for public education, is a critical need and one that we cannot step away from.

Mr. President, the Congressional Research Service cites several studies in

its report, "Educating New American Workers, Improving the Transition From School to Work," which finds that too many Americans are stuck in low-wage jobs due to limited career guidance, inadequate workplace experiences, and other impediments to efficient school-to-work transition.

That report talks about the forgotten half, which found that men aged 20 to 24 with high school diplomas experienced a 28-percent decline in real earnings between 1973 and 1986, while high school dropouts experienced a 42-percent decline during this same period.

A recent Census Bureau study found that 21.6 percent of all full-time workers with high school diplomas made low earnings in 1990, up from 12 percent in 1994.

In short, all of the reports and numerous studies have made it very clear that in order to compete in this world economy—to compete in this economy—having a quality education at the elementary and secondary level is of critical importance.

GAO studies reported that in the United States, our country as a whole is lagging behind some of our primary international economic competitors, including Germany and Japan, in providing our young people with the academic knowledge and technical skills employers will need. It is not too difficult to figure out the connection, the nexus between a quality system of public education and our ability to compete in this world economy in this information age. If we do not train our workers, if we do not train our work force, not only will we be building in the basis for a declining standard of living among our young people, but we will also be tearing apart the very foundation that made our country great and made us economically competitive worldwide.

So education is not just something that relates to the individual, it relates to whether or not a particular person can get a good job. Education is something that transcends the individual and relates to our entire community—to our competitiveness worldwide, to our ability to maintain our culture, to our ability to maintain the capacity of our community to grow and to appreciate democratic institutions; to our ability, indeed, to relate to health care issues such as the Senator from West Virginia just talked about.

The closest indices for health care status is educational attainment. The closest indices for crime, if you look at crime statistics: The higher the level of education, the lower the crime rate.

So here we have a social goal that relates directly to any number of priorities that we have in our society, from our position internationally to our health care status to the level of crime. Education becomes the key for our society as well as for the individual.

So I am delighted to join Senator KENNEDY, Senator KASSEBAUM, Senator

PELL, and others on this committee. I unfortunately do not serve on the committee, although I have been delighted to support and work with the sponsors of this legislation. I am delighted to join with them in behalf of S. 1513, because I think it represents a real step forward, a real initiative to promote increased Federal funding for public education by raising the authorization level for Federal education programs in the Elementary and Secondary Education Act. It will raise it to \$12.5 billion in fiscal year 1995. And I believe that is a step in the right direction.

The PRESIDING OFFICER. The Chair will indicate to the Senator from Illinois that the hour of 12:30 has arrived.

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order we proceed for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I thank the Senator very much. I will try to be brief.

Unlike past ESEA reauthorizations, S. 1513 would also create a coherent framework for education reform by coordinating all ESEA programs with the education reforms in the Goals 2000: Educate America Act that President Clinton signed into law on March 31, 1994.

S. 1513 would restructure the title I Program by directing States to develop their own content standards, performance standards, and opportunity-to-learn standards to improve the way teachers teach and students learn. Yet, rather than requiring States to adopt any specific standards, S. 1513 would give schools more decisionmaking authority over their title I funds in return for greater responsibility for student performance.

For example, S. 1513 would allow more schools to operate schoolwide programs with their title I funds. Since research shows student achievement is adversely affected in schools with 30 percent and above poverty rates, S. 1513 would reduce the poverty requirement for schoolwide programs from 75 to 30 percent, which is a realistic position to take.

Most schools that do not meet the 75-percent poverty requirement currently serve their title I eligible children through pull-out programs that promote remedial skills. By lowering the poverty threshold to 30 percent and giving the schools more decisionmaking authority over their title I funds, the new 30 percent requirement would encourage schools to challenge all of their students to achieve high skills rather than remedial skills. It would also discourage them from pulling title I eligible students out of regular classrooms. Eligible schools choosing to operate schoolwide programs would still be required to disaggregate their data on student progress to determine

whether title I students are benefiting from the schoolwide programs.

But it is a great way, I think, Mr. President, to mainstream title I students and to give title I students the opportunities to learn by being put in with the rest of the program and the rest of the students.

Mr. President, in light of the fact that it is 12:35—I appreciate the Senator from Massachusetts allowing me to continue.

I would like to make the rest of this statement, but I fear it will take more than 5 minutes. What I would prefer and what I think will be appropriate at this point—again, given the wishes of the Senator from Massachusetts—I will be willing to come back and proceed at a later time in behalf of this bill.

To conclude my remarks now, I simply say this is a step in the right direction. I applaud the Senator from Rhode Island and the Senator from Massachusetts for their leadership in this area. There are certain specifics about this bill I will speak to directly, because I support so many of the specific initiatives in this legislation. But I would just like to commend them for demonstrating the leadership and the awareness and sensitivity to the fact that Federal support for education is something that as a nation we all have an obligation to support. As we go forward and focus in on our national interests in elementary and secondary education—which, of course, is where it all starts. If we do not educate youngsters in the grammar schools, we will never have to worry about them being able to perform at college level.

So I think we have an obligation to engage fully at the elementary and secondary level. This legislation is consistent with that approach. It is heading in that direction. It opens some very important doors, and remedies and reforms some important parts of the statutes. I commend the sponsors for their fine work and indicate my support.

I ask unanimous consent to be added, if it is the desire of the manager, as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I want to express our appreciation to the Senator from Illinois for a very eloquent statement in support of the legislation and pay particular tribute to her for the innovation, in terms of program amendment to this legislation, which she presented to our full committee at the markup and which was accepted. That is to try to bring some focus and attention on the basic deterioration, in terms of the infrastructure, in many of our schools.

This is a particular problem in many of the urban areas of the country. It has been a subject matter that has been debated and discussed for a very considerable period of time. I think the

power of the Senator, both in the presentation and logic of her argument and sense of deep compassion for those who are being adversely impacted, carried the day and it was accepted unanimously by our committee. Then she was again sufficiently persuasive to be able to go to the Appropriations Committee and get a substantial downpayment on that initiative. In times of scarce resources, that is a very important addition to this whole process.

Again, it carries forward the essence of this legislation, which is to bring some help and assistance in terms of the neediest students in our country. I think the Senator has, by her own diligence and hard work and continuity, on this issue as in other issues, made a very, very important contribution.

I thank the Senator. I look forward to her interventions as we continue with the debate and discussion. I know there are a number of matters which we will have an opportunity to debate and to take action on during the course of the afternoon and evening, and tomorrow. We certainly welcome her insight into the debate and discussion.

Mr. President, seeing no further colleagues here seeking the floor, in accordance with the wishes of the majority leader, I ask consent we proceed with the earlier recommendation of the leader as modified by my suggestion.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FEINGOLD).

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wonder whether I can inquire of the manager of the bill whether I might have 10 minutes to speak on the bill.

Mr. KENNEDY. We are under no time limit. We thank the Senator for his active participation in this legislation. We look forward to his comments.

Mr. WELLSTONE. Mr. President, there is so much that I could say. I am going to try to be relatively brief.

This piece of legislation, or education in particular, Mr. President, is dear to my heart. I was a college teacher for over 20 years, and I have seen education really work. I have seen the spark of learning take a child from any kind of background to a life of accomplishment and creativity.

I view education as kind of being the foundation. We have a lot of discussion about how education is key to economic competitiveness. I agree. You have to have a skillful, literate, productive work force. But I think even

more fundamental than that, education is key to a working democracy. We just simply have to have women and men who can think on their own two feet, who understand the world and the country that they live in, who have conceptual tools that will enable them to understand this world and this country and who really are empowered by education so that they, as citizens, can really be full participating members in a democratic society. I just do not think there could be a more important topic or a more important piece of legislation on which the U.S. Senate should be focused.

The Improving America's School Act, S. 1513, does a lot to move us in the right direction. Senator KENNEDY and Senator PELL deserve a tremendous amount of praise for their fine, fine work.

Among other things, the bill provides funds to help disadvantaged students reach the same high standards as all students. It concentrates funds in those areas that need the funds the most. It expands the Eisenhower Math and Science Training Program to support teacher training in all subjects, and it expands the national writing projects to other core subjects as well. That is an amendment that I worked on that I am very excited about, because I have seen as a teacher the way in which these teacher institutes work. It is so important for teachers to have high morale. I have seen when teachers come together for a 1- or 2-week period during the summer and can exchange notes, compare notes, energize one another, build off one another's experience. It is really quite important.

I think this piece of legislation is a step in the right direction. It authorizes \$12.5 billion for fiscal year 1995. I might also state that this is only 6 cents on the dollar of what our country spends on education.

So I commend Senator KENNEDY and Senator PELL for their fine work. But I am also really disappointed. I am not disappointed in my colleagues, Mr. President, but I am disappointed in our failure as a nation, with the Senate being part of the Nation, to really invest in children and education. I do not think it is enough just to have the goals and to talk about rigor and to talk about excellence if, in fact, we do not do anything to really change the concerns and circumstances of children's lives so that each and every child, each and every young person is going to have the same opportunity to reach those goals.

Quite frankly, Mr. President, given the huge disparity in resources—again I think of Jonathan Kozol's book, "Savage Inequalities." If I am not mistaken, Jonathan Kozol's facts are something like this. You walk out of the front door of this Chamber, you go downstairs, or just really from the top of the steps, if you look to Bethesda—

and this is not an indictment of the people in Bethesda—I think the community has the capacity to spend something like \$13,000 per child per year. That is about a mile away in one direction.

If you look to Anacostia, I do not know, it is \$4,000 or \$5,000 per pupil per year, Anacostia being, in the main, poor children of color, mainly African-American black.

Mayor Schmoke, Mr. President, when he testified before our committee, the Labor and Human Resources Committee, really was eloquent, and I just want to quote:

I will just start by saying that defending and reinforcing public education has once again become a matter of national security. I say once again because in the early days of the cold war, President Eisenhower cited national security as the justification for the National Defense Education Act.

By the way, Mr. President, now that I think about it, it was the National Defense Education Act that enabled me—and I am sure Senator PELL was probably involved in really the drafting of this legislation—that enabled me to afford my higher education, that enabled me to go into teaching.

Mayor Schmoke goes on, and he pointed to the disparities in his own area, and I quote:

In Maryland, the difference between what we in the city are able to spend per classroom and what the wealthiest jurisdiction is able to spend is \$60,000 per classroom. [\$60,000 per classroom.] What does this mean in real terms? It means for us the inability to provide basic supplies and maintenance to the buildings and thus to provide an inviting environment for our young people to stimulate their minds. It means that we have a shortage of supplies and other basic resources. It means for our teachers in particular that we lose our best teachers, those who have 8 to 10 years of experience, to surrounding jurisdictions.

Mr. President, there are those who say, "Well, do not throw money at the problem. I do not think money is the answer."

But I will tell you one thing, adequate resources is the key to recruitment and maintaining good teachers. It is the key to support services. It is the key to good lab facilities. It is the key to textbooks. And just simply building on what the mayor had to say to us, I find it to be just outrageous and unconscionable that children should have to go to schools where the physical infrastructure is decaying, where we still have not done the renovating, where it is still unsafe in terms of asbestos, where it is dreary, where the toilets do not work. When are we going to make a commitment to education and children? This piece of legislation just is but the smallest step forward.

Now, Mr. President, some will say, "But our appropriations committees are under strict budget constraints this year."

I know you, Mr. President, are a Senator who is very focused, and I think

justifiably so, on sound fiscal management, on deficit reduction, but once upon a time, Mr. President, we were talking about two deficits. We were talking about a budget deficit, and we were talking about an investment deficit.

It does seem to me that if we are going to continue to find the money for S&L bailouts, if we are going to continue to build the space station, if we are going to continue to find the monies for B-2 bombers, if we are going to continue to build prisons, and if we are going to continue to find the money for star wars, we ought to be able to do a better job of investing in education and our children. And by the way, Mr. President, Children's Defense Fund pointed out that every 5 seconds a child drops out of school in the United States of America.

I would like to point that out again. Every 5 seconds, a child drops out of school in the United States of America.

Mr. President, I had a judge from Minnesota, Hennepin County district judge, who sent me a copy of a report, and the statistic I remember is that there is a higher correlation between high school dropouts and incarceration, being in prison, than between cigarette smoking and lung cancer. We are talking about the need to reduce violence. If every 5 seconds a child is dropping out of school in this country, then we ought to start examining why children are dropping out of school and we ought to start making a commitment of resources to do something about it.

Another witness at these hearings was Representative BECERRA from California and I wish to quote. He said:

The United States now ranks 13th among the 23 wealthiest industrialized nations in public spending on education. We need to shift the paradigm, and we need to begin working toward providing children with the resources they require based on their relative need. We would define equity as the allocation of funding to meet individual education needs, not just matching dollar amounts for students in poor and wealthy districts. This is what makes the issue of opportunity-to-learn standards so critical. If we cannot agree on the measurement of what a school must input in order for students to succeed, how can we establish national standards to determine the students' level of success?

Mr. President I have to tell you, I met with a group of 20 educators today in my office—they just happened to be here—counselors, teachers, principals. Every single one of them said—it surprised me. I said to them, "Please tell me if I am wrong." Then I went on to say to these educators, "I am really discouraged because we keep focusing on these national standards but I do not see the commitment of resources to make sure that children in our country have the same opportunity to reach those standards. I feel as if the emphasis has become on rigor and we are not dealing anymore with the whole issue of equality of opportunity."

All of them agreed. They want to see rigor; they want to see higher academic standards. They think it is important not to give up on that. They do not see them as being mutually exclusive goals, I would say to my colleague from Connecticut, but each and every one of them said to me there is no way that a lot of the children that we teach are ever going to be able to succeed, not given the inadequate resources we have to look at, not given the failure to fund early childhood development, not given the failure to fund child care.

They said it even goes further than that. And they argued women expecting children have to have an adequate diet in the first place.

I just had a grandson yesterday. I would like to see every child born in the same way my grandson was born, with a real opportunity to be everything he or she can be. But I know that my daughter-in-law had an adequate diet. I know that they could afford that. But a lot of women cannot. And the children that are born are not going to be all they can be.

When are we going to make a commitment to children? When are we going to make a commitment to early childhood development? When are we going to make a commitment to education? We have reports of a decade ago, it seems way to me, of a "nation at risk." Well, if the Nation is at risk, and we are talking about national security, why do we not start investing in the health and skills and intellect and character of young people? We do not need as much for S&L's. We do not need star wars. We do not need the B-2. We do not need the space station. Let us invest more in education and children.

So, Mr. President, I said I would not speak too long. This is not an amendment. I think an amendment that would attempt to transfer funds or to spend more money would not succeed. And I know my colleagues are operating within budget constraints. I know that Senator PELL and Senator KENNEDY have done all they can to bring a good piece of legislation to the floor.

Mr. President, this piece of legislation takes steps in the right direction. I am going to support it. I am proud of what they have done. But I wish to go on record today in saying we can do much better, and I hope soon we will.

I really believe that what candidate Bill Clinton talked about—the investment deficit has been put in parentheses—I really believe that all these issues of race, gender, and poverty, and children, and opportunity, and how to reduce violence, and how to do it at the community level, and how to invest in education, and how that can be part of national security—I feel there is a huge disconnect between the words we speak and the legislation we introduce.

I hope that during my tenure in the U.S. Senate we will end up doing it

much more. I will tell you one thing—and I am not doing it to ingratiate myself to him—I look forward to working with Senator DODD, who is very committed, along with Senator KENNEDY. I yield the floor.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader is recognized.

UNAUTHORIZED DEMONSTRATIONS

Mr. MITCHELL. Mr. President, I was advised a few moments ago that an unauthorized demonstration took place in the Capitol a short time ago, and I want to make clear to all concerned that the laws, rules, and regulations governing demonstrations in the Capitol and in this Chamber will be enforced. We are a country in which the speech and assembly and protest of every citizen is protected. But such rights must be exercised in a lawful and orderly manner so as not to infringe upon the rights of others.

Demonstrations on the Capitol grounds require a prior permit and participation in specific, designated locations. Every Senator knows they are a commonplace event. One of the places most frequently used for such demonstrations is right outside my office window. And so almost every day I observe and hear lawful demonstrations occurring. That is appropriate and as it should be. But we will not tolerate any demonstrations which occur in an unlawful manner and which infringe upon the rights of other persons. The law prohibits it.

The United States Code sets forth the legal requirements with respect to such matters, and I want it clearly understood by all concerned that so long as I am majority leader, the law will be enforced. No persons are authorized to take the law into their own hands to conduct demonstrations as they see fit. Many persons hold strong beliefs on various subjects. The depth of one's conviction is not a sufficient basis for acting in an unlawful and unauthorized manner, because other Americans may have equally deep convictions to the contrary.

So everyone is, of course, welcome to our Nation's Capitol. All are encouraged to make their views known. And those who wish to conduct a demonstration are invited to do so, but all in a manner consistent with law and regulations and prior practice.

So I make this statement so there can be no misunderstanding on anyone's part with respect to such demonstrations. We welcome everyone's point of view, but we welcome it in an appropriate way.

I have instructed the Sergeant at Arms to make the Capitol Police aware and to inform all those who come into the Capitol that we will not tolerate unlawful demonstrations and the law and regulations will be enforced properly.

I thank my colleagues for their attention and consideration.

I yield the floor.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, I rise to express my support for the Elementary and Secondary Education Act, the legislation which is presently before us.

Before engaging in some formal remarks, Mr. President, let me, at the outset, commend the principal authors of this legislation and those who are principally responsible for bringing this bill to the floor today.

The chairman of the Labor and Human Resources Committee, Senator KENNEDY, has once again demonstrated with this legislation his deep commitment to the education of all children in this country, be they from rural communities or highly populated urban centers. He has been involved in these issues for several decades, and this piece of legislation is yet another example of that commitment.

CLAIBORNE PELL, our colleague from Rhode Island, of course, has been known for many accomplishments during his tenure in the Senate, but one of his principal achievements over the years has been his leadership in the area of education. In fact, for many years, our former colleague, Senator Stafford of Vermont, who was at various times either the ranking minority member or the chairman of the subcommittee, would often talk about the firm of Stafford and Pell, or Pell and Stafford. Together, they were responsible for many of the very innovative and thoughtful initiatives in the area of education.

Senator KASSEBAUM has now become the ranking minority member, and her work with Senator KENNEDY has enabled us to bring such a strong, balanced bill to the floor. It passed the Labor and Human Resources Committee by a vote of 16 to 1, demonstrating the kind of cooperation and bipartisanship we were able to achieve on legislation that has sometimes been the source of significant division.

Last, but not least, credit must go to our colleague from Vermont, Senator JEFFORDS, who is the ranking member on education issues and is deeply committed to all aspects of the educational needs of children in this country. He has carried on the remarkably fine tradition of Senator Stafford. I do not know if it is the water of Vermont or the air, but our neighbors to the north of Connecticut have historically brought a tremendous commitment to education when they come to the U.S.

Congress. JIM JEFFORDS is carrying on that tradition in its finest form, and I commend him as well. I have enjoyed working with him on the committee on a number of initiatives. I think both of us would agree that the one in which we take the greatest amount of pride, and on which we will continue to fight, is the issue of achieving a greater commitment to education in our Federal budget—a commitment to meeting the overall educational needs of our citizens, beginning with early childhood development, extending through elementary and secondary and on up to higher education.

He and I, along with Senator WELLSTONE and Senator SIMON of Illinois, have been trying over the last year or so, through a number of hearings, to build some support for the notion of increasing our commitment—that is, the Federal Government's commitment—to the education of Americans by 1 percent a year, to a grand total of 10 percent of the budget.

The high-water mark for the Federal Government's spending in education occurred in the administration of Richard Nixon, when 6 percent of the Federal budget was committed to education. That number has dropped consistently over the last 20 years. We are now hovering at around 2 percent of the Federal budget, overall, as a commitment to education. I suspect that number startles people, who would assume that a far greater percentage of their Federal budget was committed to the education of Americans. Yet, it is, I think, a source of some embarrassment that such a small fraction of our budget is committed to that. We are determined to try to raise that by 8 percent over the next 10 years, to 10 percent. We spent about 13 or 14 percent just on the interest payments on the Federal deficit, about 23 percent on the defense of our Nation, about 50 percent on entitlements, if you will, roughly. While 10 percent is hardly in the range of these figures, we believe it is critical and will continue to work together to move this initiative forward.

But today, Mr. President, as I said, I want to extend my congratulations to these Members, both Republicans and Democrats, who have made it possible for us to arrive at this particular juncture with this critical bill.

Obviously, there will be a lot of amendments, I suspect, being offered over the next day or so on this bill. We welcome those amendments. Some good ideas may be forthcoming. I assume those ideas would be incorporated in the bill. There may be some on which there will be a legitimate differences to debate, but this too is an important part of the process.

Nevertheless, I am pleased to have arrived at this moment in the Senate. We are going to shortly engage in debate on health care and try to increase access and reduce costs to all Ameri-

cans. That debate will attract a significant amount of attention, as it should, in this country.

I suggest this afternoon, while this debate and this particular bill may not evoke the same degree of interest either from the media or others, that the education of Americans from their first up until their last days is something that all of us ought to recognize as critically important. In fact, I would argue, it is the single most important issue facing this country.

So, for those reasons, Mr. President, I rise in strong support of the legislation before us this afternoon to reauthorize the Elementary and Secondary Education Act.

As I said, we debate many, many issues here in the U.S. Senate, but very few, in my view, touch the lives and futures of Americans as directly and as poignantly as education does. Few issues that we debate here are so intricately linked to who we are as a people.

President Lyndon Johnson said three decades ago, and I quote him:

At the desk where I sit, I have learned one great truth. The answer for all of our national problems—the answer for all the problems of the world—comes to a single word. That word is "education."

Mr. President, that was true 30 years ago, and it is certainly true today. To take just one example, there is no question that there is a connection between education and crime. I have recently focused a great deal of my time and effort on youth violence. And I have learned that there are no easy answers to that issue once kids become involved in violence and crime; it is very difficult to change course and direction. The solution to this, in my view, and to so many of our other problems, must come far earlier. Children must have parents who will love and nourish them, role models to respect, activities to fill hours of the day, and an education to provide them with the opportunities and hope for the future.

The bill we are considering today—the Improving America's Schools Act—seeks to provide that opportunity and hope for millions of needy children all across this land.

For too many of these children, the promise of access to a quality education has become little more than a cruel hoax. For thousands of American children, there are no books, there are no regular teachers, and there are no safe classrooms. Education is supposed to open doors for these young people, but for far too many of them those doors remain tightly barred.

With this legislation, let us hope that we can begin to throw those doors open wide once again.

Among all the important components of this bill, Mr. President, I am especially encouraged by its restructuring of the title I program to establish high standards for all children and to target

resources toward the neediest communities and children in this land.

We all know that Federal resources are quite limited. That is obviously something that everyone of us has to deal with every day, regardless of the bill before us. The Federal contribution, however, to elementary and secondary education last year was just over 6 percent with the balance coming from State and local sources.

Mr. President, I will continue my efforts to increase our commitment to education at the Federal level. But while the Federal share of education expenses remains so small, it is especially critical that we target that money on those who need it most in our land. That is what this bill attempts to do.

In the past, Federal title I dollars have flowed to 95 percent of our school districts, greatly restricting the program's impact. The obvious reason for that is, with every district receiving funding, political support for the title I program is stronger. But the fact of the matter is when you spread those resources out to some school districts which have very few needs financially you dilute the impact of those dollars into those communities that need the resources the most. This bill would better concentrate our limited dollars toward schools that, in fact, do need the resources the most.

By supporting these schools, Mr. President, we also send, I think, a very important signal to States and school districts regarding educational spending. Last summer and fall, the Education Subcommittee held a series of hearings on the vexing issue of school finance and the inequities that plague so many of our States and schools.

This is a very difficult issue. It has defied resolution, despite countless hours of hearings, discussion, debate, and the commitment of knowledgeable people to work on and think about this issue.

Funding for our schools is mostly local, and it varies widely depending on the wealth of the local community. Widely varying levels of funding lead to widely varying levels of quality. That is an absolute given.

This situation strikes many people as fundamentally unfair. It does not seem right that two children who live but a few blocks away from each other could receive greatly different educations, all because of variations in their respective communities' property tax bases.

This is an issue, Mr. President, that is receiving, thankfully, more and more attention. All across the country, State legislatures, local communities, and the courts are struggling to develop finance systems that are more fair.

While our hearings did not produce a magical silver bullet, it is clear from those hearings that the Federal Government can help States trying to find

more educational equity, and this bill does just that, not to the fullest extent that I would like to see or that some of my colleagues here would like to see, but it clearly moves us in that direction. The formula for the distribution of title I dollars provides an incentive for States that are making a substantial investment in the education of their children and also for those States that have less variation in spending between school districts. In this way, Mr. President, we would reward those States that have responsibly addressed this critical issue, and that is as it should be.

I was pleased to work with my colleagues on the Labor Committee to craft several other important initiatives in this bill. Allow me to mention a few of them.

The committee adopted an amendment that I offered to include a successful and innovative new program in title I of the bill, and that is what we call the transition to success program. This program would encourage parental involvement and coordinated social services to help young children and their families make a smoother transition from preschool or home to kindergarten and beyond. These early years are absolutely critical for later success in school, and parental involvement needs to be expanded.

Let me just cite, if I can, one statistic that I think makes the point very clearly. Parental involvement in Head Start programs and in pre-kindergarten programs is roughly 82 percent. That is 82 percent of children in these preschool programs have significant parental involvement in their program. That is parents coming to the school, parents participating in programs that these preschool programs provide, parents volunteering in classrooms.

Yet once that child moves to a school-based kindergarten program, parental involvement drops to roughly 30 percent and then continues to decline as that child moves through the elementary school grades.

So we have a significant involvement at the preschool level, and then it literally drops precipitately once that child moves into the traditional elementary school years.

It seems to me that all of us appreciate the value of significant parental involvement. What this new program will do is support imaginative and creative ways of encouraging continued parental involvement. Where parents are involved in the education of their children, not just as homework, not just in encouragement around the dining room table, but actually going to and participating in the education of their children at these schools and helping to dramatically increase the success rate of these children.

Mr. President, we also in this bill have refined the Safe and Drug Free Schools and Communities Act. It is

very clear, in my view, that children are not going to learn and teachers cannot teach when they are afraid. Language that I have offered in this bill clarifies that all eligible schools can now be assured of support for proven violence prevention tools, such as conflict resolution, peer mediation and after-school activities.

The committee also adopted an amendment that I offered providing new support for local schools' character education programs designed to get at the roots of violence, drug and alcohol abuse, and other discipline problems by teaching children about honesty, responsibility, respect, trustworthiness and civic virtues.

Mr. President, let me add, that I do not believe, under the best of circumstances, that we would be asking schools to do this. These are things that parents ought to be doing with their children. These basic values ought not to necessarily become the responsibility of your teacher.

And yet, tragically, we know in far too many cases these children are coming to school without the kinds of role models, the love, the nurturing, and the guidance that they should be getting at home. And so these character issues are critically important.

I would mention here that my colleague from New Mexico, Senator DOMENICI, who has spent a great deal of time on these issues, and I have an amendment that we will offer that will strengthen the support this bill offers to encourage more of these ideas being incorporated in the seamless garment of a child's education.

The one thing I know of that makes it hard for kids to learn and teachers to teach is violence. And it is becoming a daily reality in too many of our schools. It is estimated that some 130,000 children bring a gun to school every day in America, and that one out of five children are bringing a violent weapon to school every single day. Most of them are doing it not because they intend to cause violence, but because they are just gripped with fear.

I have a sister who teaches at the largest inner-city elementary school in the State of Connecticut. She will tell you, even at the earliest stages, these children fear to come to school. The fear of violence and being harmed is significant, and does impact on their ability to learn.

These teachers, who are asked to provide basic guidance, have to worry every day about whether going to school is going to bring them within the reach of violence. It is a tough job. But when you have to teach in an environment where you fear bodily harm, where your life may be in jeopardy, then we ought to be doing what we can to eliminate those problems.

So the safe schools and drug-free schools part of this bill is also critically important.

Mr. President, building upon the strong parental involvement initiative offered by the administration, I also added to this bill a provision to ensure that parents have a number of additional tools to increase their participation in their children's education, including opportunities to volunteer in their child's classroom. Improving the structure and system to encourage parental involvement is absolutely critical to our efforts to improve the achievement of America's students and I think everyone agrees with that. The language we have offered here I think will help us achieve that goal.

The committee, Mr. President, also reported a number of other important provisions. Working with Senator SIMON, we were able to restore the Foreign Language Assistance Program in this bill. Language is also included that restores authority for a National Center for Gifted and Talented Education in this country. We also clarify that consortia of local districts are eligible for funding under the Magnet Schools Program, where there are regional efforts to address segregation.

Mr. President, there is much, I think, we can be proud of in this bill. It tackles head-on the No. 1 issue challenging our Nation—the need to adequately educate the next generation of Americans.

No generation will be as challenged as the present one in our school systems. They will have to be better prepared and better educated than any other generation in America's history. It is our job here in this body and in the public sector to see to that they are ready to meet the challenges of the next century.

It is not our exclusive responsibility, of course. Certainly, local school districts and States have to play a major role in fashioning the educational programs for these Americans, and the private sector, as well as average citizens, can play a critical role in helping us improve the educational system of this Nation.

So all of us bear a responsibility to try to see to it that the educational system of our Nation meets the demands that this generation and future ones will face.

For those reasons, Mr. President, I strongly support this legislation. It gives us a valuable blueprint for success. I urge all of our colleagues to read the bill, to focus on the major provisions, and to offer us their support so that we can collectively—in a bipartisan way, as we did coming out of our committee, as I mentioned earlier, by a vote of 16 to 1—make a strong bipartisan commitment to the elementary and secondary education needs of America's children.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I am glad Senator DODD is on the floor.

Might I inquire of the distinguished Senator from Connecticut, I understand that he might have to be at another meeting shortly.

Mr. DODD. I do. But I would be more than happy to stay here. Whether we get started in the meeting will not depend upon my presence. I am sure I can find out what happened there at the appropriate time.

I think the chairman would like to start moving amendments. If that is the case, I am prepared to stay here and work with you.

Mr. DOMENICI. Mr. President, I say to the Senator, they are going to accept our amendment on trying to fund some centers for character education and local partnerships, and we are going to present it now.

AMENDMENT NO. 2414

(Purpose: To establish a grant program for the design and implementation of character education programs)

Mr. DOMENICI. Mr. President, on behalf of myself, Senator DODD, and Senator MIKULSKI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DODD, and Ms. MIKULSKI, proposes an amendment numbered 2414.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1035, between lines 11 and 12, insert the following:

"PART P—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT"

"SEC. 8901. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of \$1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 \$6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.

"(a) REQUIREMENT.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PARTNERSHIPS.—Each State educational agency desiring a grant under this

part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher edu-

cation, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"SEC. 8904. ELEMENTS OF CHARACTER.

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

"SEC. 8905. USE OF FUNDS.

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

"SEC. 8906. SELECTION OF GRANTEES.

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students."

Mr. DOMENICI. Mr. President, and fellow Senators, I rise today to introduce a measure which we choose to call Partnerships in Character Education Pilot Project.

Mr. President, Theodore Roosevelt once noted that "To educate a man in mind and not in morals is to educate a menace to society."

Now, I am sure he was totally right, but the bill before us goes a long way toward ensuring that our students have the resources and the opportunities necessary to learn the essentials of math, science, reading, and writing. It makes good progress toward ensuring our schools are safer and more progressive relative to rapidly advancing technologies.

As we educate our children in mind and ensure that they master modern technologies, we can also offer another element, the element of character education.

So for those who say, "Let's have reading, writing, and arithmetic emphasized," again, I suggest we have to add something to it now for the foreseeable future in America, and that is character education.

The amendment which I sent to the desk on behalf of myself, Senator DODD, and Senator MIKULSKI establishes a very small grant program so that State education agencies, in partnership with local education agencies, can develop character education programs.

And I stress, none of this will be developed at the national level; none of it will be developed by the Secretary of Education; but, rather, in partnerships between State education agencies and local education agencies. Thus, it will involve the grassroots participants in educating our young people across the land.

So I want to emphasize one more time that these programs are partnerships. If the grant is awarded, it will only be because there is a partnership between the local education agency—and they are authorized to consult and work with parents, school authorities, and community leaders to craft pro-

grams that best meet the community's concerns. These local agencies will be working at the community level and will work with the State education agencies to form partnerships for the purpose of developing, implementing, and evaluating character education programs.

We do not believe Congress wants to be prescriptive as to what constitutes good character or character education, because we believe the States and local education agencies in conjunction with parent organizations and the community will develop what is best for their needs. Therefore, we allow these partnerships to identify the elements they believe meet their needs and to lend direction to the kinds of elements we support. And we have added the elements as identified in the 1992 Aspen declaration as accepted by the Senate, in Senate Joint Resolution 178, National Character Counts Week.

These elements that we believe lend direction to character education are: caring, civic justice and citizenship, justice and fairness, respect, responsibility and trustworthiness. And we have added as a sixth: And any other element deemed appropriate by the members of the partnership.

So it is not exclusively the Aspen-declared six, but rather any others related to it that in fact the partnership which I have just described, the local grassroots partnership, determines. We have included these because they provide uniformity of some elements for evaluation purposes and because they have national, wide-based acceptance by millions of Americans, scholars, educators, parents, communities, and national youth organizations. Therefore, under title VII, Programs of National Significance, a section which authorizes programs such as art education, civic education, blue ribbon schools—we have included these new grant programs.

This pilot program will allow up to 10 grants for these character education partnerships, I say to my friend from Connecticut, whose assistance I greatly appreciate and whose support, both on the committee and here on the floor—and there we did the joint resolution to call the attention of the nature of these—I deeply appreciate and acknowledge.

I know many schools in America are already beginning to develop character education programs. This pilot program will give schools an opportunity to work with their local and State agencies to build upon their efforts and to pass on their experiences, materials, and training courses through the establishment of an information and materials clearinghouse at any State's level. I know these programs are working well even though they are in their infancy, and I know they will have problems as they move from infancy to adulthood. Nonetheless, I believe we should get started.

Particularly, I might mention, in Albuquerque, NM, our Albuquerque school board adopted a resolution to begin the development of character education in some or all of its schools. There is a great school there called Bel-Air, and they have already successfully established an education program that involves these six elements of character. They believe, after less than 1 full year, that significant, positive changes have taken place as a result of the program.

I said to my friend from Connecticut, we will bring evidence that after less than 1 year—almost a year—there is a noticeable change in this great school that took one element per month and inculcated it in the curriculum and talked about responsibility for 1 month, talked about caring for 1 month, et cetera.

Teachers noted a marked improvement in discipline, saying there were fewer discipline referrals. They also thought that working relationships between students had improved, as student-teacher working relationships had improved, and even teacher-to-teacher relationships.

I might indicate, I was privileged to attend the teachers' assembly early one morning before their full assembly, when they worked together to produce a 2½-hour program on these elements for an assembly. The teachers were excited. They felt much more a part of what was going on in the school as a whole. And the following were results: Standardized test scores went up among third and fifth graders. While the cause of this is not absolutely clear, many teachers attribute a better learning atmosphere as a factor. And 87 percent of the fourth and fifth graders thought that peer behavior had improved; 65 percent thought their own behavior had improved; and 98 percent of the parents thought the program was worthwhile.

All of which was done as a result of this 1 year's effort at this one grade school; 72 percent of the parents said their children had discussed the issues at home, in answering a questionnaire. That is a rather remarkable percentage.

All of this came from surveys sent home to all parents of students at the school, all of which was voluntary. Nobody ordered it and nobody said you must do it.

There are many character education organizations which are successfully working with schools, with parents, and with communities to develop and implement character education programs. I have received materials from organizations and I am very impressed with their fine work. I would like to name just a few: the Character Education Institute; the Character Counts Coalition; the Jefferson Center for Character Formation; the Character

Education Partnership; the Community of Caring, a project of the Joseph P. Kennedy, Jr. Foundation.

Character education is something we should support. It will not always be easy, but now is the time to lend a slight bit of support for some pilot programs so we might measure it better and engage those who want to do this with a little bit of resources here and there to encourage them and help them on the way.

Since I was brought into this effort by the efforts of a Character Counts Coalition, one of those that I mentioned, that was cochaired by former Representative Barbara Jordan and conservative actor Tom Selleck, I close with a statement from Barbara Jordan, very brief but to the point. This is her statement about this issue.

You are for responsibility, you are for caring, you are for fairness, you are for good citizenry. So why do we need a coalition to talk about something that everybody agrees on? We need it because we have neglected our commonality. We have neglected the things we share in common. There is no partnership here, which makes it beautiful. There is no ideological tension here, which makes it beautiful.

Are we trying to replace the family? We're not crazy. The family remains the first line of defense in teaching morals and values. The church? Are we trying to preempt the church? Of course not, we've got church people joining in this coalition.

What we are saying is that for too long there has been a reluctance to talk about teaching values. You don't want to teach values because you say "No, no, no. That is interfering with someone's conscience. That is interfering with a system of beliefs. That is proselytizing." We're not going to do that. The way that we can get on top of some of the problems which plague us so is to decide that we are not going to be reluctant about telling people what's right and what's wrong and what's expected and what's civilized and what's uncivilized.

We are going to make character the number one call of young people in this country. They are going to think before they act because they will know there are consequences. We are responsible for making sure that young people know what is expected of them in the total civilized community of humanity.

Mr. President, I ask unanimous consent the quote from Barbara Jordan be printed in the RECORD.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Adapted from remarks made by Prof. Barbara Jordan on October 8, 1993, in Washington, DC, at a press conference announcing the kick-off of the Character Counts Campaign]

Crisis is an overworked word, but I really do believe that there is a crisis of values. A deficit in values. We are plagued by young people who seem to have a disregard for human life as evidenced by the number of drive by shootings. If a person has respect for others, if a person values life, then you don't have life being snuffed out as if it were trivial. This character coalition is something that no one is going to disagree about.

You are for responsibility, you are for caring, you are for fairness, you are for good citizenry. So why do we need a coalition to talk about something that everybody agrees on? We need it because we have neglected our commonality. We have neglected the things we share in common. There is no partisanship here, which makes it beautiful. There is no ideological tension here, which makes it beautiful.

Are we trying to replace the family? We're not crazy. The family remains the first line of defense in teaching morals and values. The church? Are we trying to preempt the church? Of course not, we've got church people joining in this coalition.

What we are saying is that for too long there has been a reluctance to talk about teaching values. You don't want to teach values because you say "No, no, no. That is interfering with someone's conscience. That is interfering with a system of beliefs. That is proselytizing." We're not going to do that. The way that we can get on top of some of the problems which plague us so is to decide that we are not going to be reluctant about telling people what's right and what's wrong and what's expected and what's civilized and what's uncivilized.

We are going to make character the number one call of young people in this country. They are going to think before they act because they will know there are consequences. We are responsible for making sure that young people know what is expected of them in the total civilized community of humanity.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me at the outset commend my good friend and colleague from New Mexico for his leadership on this issue. I am very pleased and proud to be a principal cosponsor of this amendment.

We have had an opportunity to meet and talk with a number of people who have been involved in this particular question. The bill itself, as I noted earlier, incorporates some of these ideas already, but I think this amendment significantly strengthens Federal support for character education. So I commend him for his efforts and, again, have enjoyed working with him immensely on this question. Our colleague from New Mexico, Senator DOMENICI, has very eloquently described the value of this amendment and why it is important. I think, the basic question that many ask is simply: Why character education?

I suggested earlier that, I suppose, in an ideal world, the parents would be doing this before children even got to school and throughout the education of their children. Regretfully, that does not happen in as many places as it did only a few short years ago. This particular amendment, I think, makes a significant contribution to meeting this challenge.

Fundamentally, this bill is about making America a better place by helping to ensure that all children learn and achieve at the highest levels. But it is not just about making better, more knowledgeable individuals, it is

also about strengthening the fabric of our society. That is what is at the very core of the bill in front of us.

The very premise, Mr. President, of our democracy—the people's ability to govern themselves—hinges on good education and good character. That is what our democracy depends upon. We cannot be ignorant of the knowledge of the world, nor can we be ignorant of the common values that bind us together as a people. This bill is about nurturing the character, as well as the mind.

Character education itself—the word, the phrase—raises eyebrows. But if you believe that children should be taught trustworthiness, respect, responsibility, fairness, caring, and citizenship, then you believe in character education. And that is what this amendment does.

These are not revolutionary or controversial concepts, Mr. President. They transcend individual religions and philosophies. They are also almost universally accepted.

A recent Phi Delta Kappa-Gallup poll asked adults whether certain principles should be taught in schools. Let me share, if I can, with our colleagues the results of that survey.

I also ask unanimous consent to print in the RECORD an article which appeared in the Wall Street Journal that goes over these numbers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

EFFORTS TO PROMOTE TEACHING OF VALUES IN SCHOOLS ARE SPARKING HEATED DEBATE AMONG LAWMAKERS

(By Rochelle Sharpe)

WASHINGTON.—When Rep. George Miller suggested adding character education to the massive elementary and secondary education bill, several of his colleagues on the House Education and Labor Committee began to snicker.

"Are you serious about this?" GOP Rep. Steve Gunderson of Wisconsin whispered to the California Democrat. After a brief but heated debate, the modest amendment—which called for a national conference and demonstration grants to promote the teaching of such values as honesty, responsibility and caring—was soundly defeated, 23-6. That vote earlier this year marked the seventh time that a character-education amendment sponsored by Ohio Democratic Rep. Tony Hall had failed to make it through Congress.

Only in Washington could teaching children to refrain from lying, cheating or stealing be an issue. Liberals fear the character-education movement may be a backdoor effort to mix religion with public education: Deputy Education Secretary Madeleine Kunin has declined to even hear a briefing on the subject from McDonnell Douglas Corp.'s former chairman, Sanford McDonnell, now chairman of the Character Education Partnership, a nonprofit organization that promotes the concept. Conservatives, meanwhile, fear character education as an attempt to spread political correctness and undermine parental authority.

"I for one, would not tolerate anybody having the presumption to dare to think

they should define who my children are, what their values are, what their ethics are and who in the hell they will be in this world." Rep. Richard Arme, a conservative Texas Republican, argued to the Education and Labor Committee. "The fact is these people don't know my children and the fact is they don't love my children. And the fact is they don't care about my children and the further fact is they accept no responsibility for the outcome * * * and they ought to, by God, leave my kids alone."

Actually, character education has already spread into thousands of classrooms nationwide, where teachers have begun heralding it as a successful way to reduce discipline problems. "Politicians are the last ones to get the message on this issue," say Rep. Hall, who says he's amazed at how little his colleagues knew about the character-education movement. "The whole country is crying out for this."

Values Judgment—A poll last year asked 1,306 adults whether each of the following values should be taught in the public schools:

	Percentage who agree
Honesty	97
Democracy	93
Acceptance of people of different races, ethnic backgrounds	93
Caring for friends and family members	91
Moral courage	91
The golden rule	90
Acceptance of people who hold different religious beliefs	87
Sexual abstinence outside of marriage	66
Acceptance of right of women to choose abortion	56
Acceptance of homosexuals and bisexuals	51

Source: Phi Delta Kappa/Gallup Poll of attitude toward public schools

In Tyler, Texas, not far from Rep. Arme's district, character education is so popular that the Chamber of Commerce and the police department help reinforce the schools' work. Many schools declare a value of the month, which businesses advertise with signs in store windows or on billboards along the highway. Police officers hand out baseball-style cards featuring their pictures on the front and their favorite value on the back.

The officers give the cards to children when eating lunch with them in school or when they see them on the street. Sometimes, officers riding in squad cars will turn on their sirens and stop children for doing a good deed, giving them a certificate that allows them to enter a school raffle.

Since the program began four years ago, the number of school expulsions and fights have dropped, says Tyler's police chief, Larry Robinson, who organized the project. No parents have complained, adds the chief.

In New York, meanwhile, teachers as well as parents are delighted with the results of the character-education program. "There's a huge difference in school tone and climate," says Linda Costagliola, who teaches sixth grade at Brooklyn's P.S. 3. At nearby P.S. 11, the frequent brawls have virtually disappeared, says Kisha Brown, the program's coordinator. The school had been desperate to regain order in the classrooms, she says, and teaching positive values like respect rather than simply punishing negative behavior appears to work. "This seems perfect for us," she says.

It may be hard to fathom that conservatives and liberals could ever agree on any-

thing that had to do with values. But all over the nation, communities have figured out ways to avoid controversy, mainly by focusing on what values to teach rather than debating whose values are most appropriate.

In the Pattonville School District in St. Louis County, Mo., the committee choosing values decided that if anyone disagreed with a character trait, it would be discarded. They reached consensus on 20 traits, including assertiveness, compassion and discretion. The nearby Parkway School District, meanwhile, chose values by surveying 1,200 members of the community twice. The district spent three years choosing the character traits, defining them and deciding on a character development policy.

The controversy in Washington has much to do with the fact that federal involvement in almost any aspect of education virtually guarantees years of discord. It took Congress five years to pass a bill allowing the creation of national academic standards that will be voluntary. So it should come as no surprise that many lawmakers would view the notion of getting the government near values education as a prescription for a political quagmire.

Phyllis Schlafly, head of the conservative Eagle Forum, argues that it is "ridiculous" for the federal government to play any role in the movement. "No good character-education program is going to be developed with taxpayers' money," she says.

But Mr. McDonnell argues that the federal Department of Education could, and should, give the movement a boost. "Kids in schools are getting values transmitted to them one way or another," he argues, and unless they are taught about values, they get the message that values aren't really that important—or may decide to model themselves on the negative values they see glorified on television or on the streets.

Yet government officials have responded to his arguments mainly with kind words and little action. The department once gave a \$530,000 demonstration grant to schools in Mr. McDonnell's hometown of St. Louis and in surrounding counties; ironically, Mrs. Schlafly—who didn't know federal money was involved—says she has no objections to these character-education programs.

But the Education Department has done little else. Especially disheartening, Mr. McDonnell says, was the refusal of Deputy Secretary Kunin to even listen to his presentation. Ms. Kunin, the former governor of Vermont, says she finds character education "interesting work" but possibly "inappropriate" for federal involvement. "Our approach is that this is still the prerogative of the local community and the family," she says. "Our focus is on academics. That's where we see our most urgent needs."

But Tyler's Mr. Robinson, who spent six months studying character education before launching the Tyler program, seems annoyed with Washington's attitude about the movement. "I wonder what the impact would be on congressmen if character-building had been done when they were young," the police chief says.

Mr. DODD. Mr. President, just listen to what American citizens said when asked the question about whether or not some of these character issues ought to be taught in school: 97 percent of the respondents supported teaching honesty; 93 percent supported teaching democracy; 93 percent supported teaching acceptance of people of different races and ethnic backgrounds; 91 per-

cent supported teaching caring for friends and family members; 91 percent supported teaching moral courage, and the list goes on.

Indeed, what Senator DOMENICI and I are suggesting with this amendment is already being done by a number of school districts around the country that have designed and implemented programs of character education. It seems to be working. From Tyler, TX, to Brooklyn, NY, school districts that have implemented character education programs report marked drops in discipline problems, pregnancy, substance abuse, tardiness, and unexcused absences.

The Hyde Leadership Public School in Hamden, CT, is one such effort. While this New Haven satellite school has just completed its first year and is still experiencing birthing pains, it is beginning to show promise with its focus on character education. Students report feeling closer to their parents and having far more confidence.

Let me share, if I can, at this point a letter that I received from the Joseph P. Kennedy, Jr., Foundation from Mrs. Eunice Kennedy Shriver; I received it just yesterday regarding the Kennedy Foundation's particular program. I ask unanimous consent that her letter and the supporting information be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE JOSEPH P. KENNEDY, JR.
FOUNDATION,
Washington, DC, July 26, 1994.

Hon. CHRISTOPHER J. DODD,
444 Russell Building, Washington, DC.

DEAR SENATOR DODD: I was inspired by our conversation yesterday concerning Character Education. As promised, I am sending you some materials about the Community of Caring, a program which has focused my attention on Character Education for the past decade.

The Community of Caring was developed by the Kennedy Foundation initially as a way to reduce teen pregnancy and, thereby, reduce the incidence of mental retardation. The Community of Caring is a values-education program for the schools, grades K-12, focused on teen pregnancy prevention and other destructive behaviors: violence, drugs and alcohol, and dropping out of school. The program enables students to see the relationship between the decisions they make in life and their individual value systems. The students learn how to make values an essential part of life in the home, school, and the community.

Unlike "one-shot" programs, the Community of Caring is not a separate class or curriculum, but rather an integrated part of the existing content in all the various classes offered in the school. The values discussions in the classroom are centered around five core values: respect, responsibility, trust, caring and family, based on universally accepted principles of personal and civic responsibility and the foundation of our democracy.

In addition to the classroom discussions, opportunities are provided throughout the school environment and the community for the students to practice leadership and decision-making skills. The school program has

five major components: training for teachers, values discussions across the curricula, teen forums, parent involvement, and community service. Behavioral science research has long shown that positive attitudes and positive reinforcement lead to improved self-concept, and academic and job performance. The Community of Caring is a positive values education approach, giving students something to strive for, rather than something to run away from.

In summary, the Community of Caring is a tested character education program, and provides opportunities for out of class activities, unifies the school and faculty, involves the parents and community, and provides a sharper focus into the needs of young people. By using the systematic, inclusive positive values approach inherent in the Community of Caring's approach, Community of Caring schools have been successful in reducing destructive behaviors in teenagers, and preventing some of the causes of mental retardation.

The Community of Caring operates in 145 schools nationwide, impacting on 75,000 students. A fact sheet from a nearby school, Armstrong High School in Richmond, Virginia, illustrates typical outcomes for the Community of Caring. Armstrong is an inner-city school where many of the students live in public housing with a single parent heading the household.

To be successful, public and private health and human service agencies, Churches, schools, civic and service organizations and community leaders must all come together to instill a sense of belonging to young people who are at risk of becoming disenfranchised. The Community of Caring has shown a reduction in violence and drug abuse everywhere it is in use. Side benefits, from increased student attendance to reduced teacher absenteeism are also reported. We are constantly told by teachers that teaching is meaningful again, now that they can address character education.

When the community is actively involved in working with schools, other benefits, such as support for schools, recognizing the value of young people, etc. are crucial side benefits.

I am also enclosing the following:

- (1) The textbook which is used by schools;
- (2) The Teacher's guide for the text;
- (3) The "How To Create a Community of Caring School" notebook, used by participating middle and high schools;
- (4) The "How to Create a Community of Caring Elementary School", a recently developed program for schools, grades K-6.

I hope that during the creation of the legislative history on Character Education you can reference programs like the Community of Caring which use proven methods to assist young people to grow up in a positive environment, with a reduction in violence and drug abuse.

Thank you for your support of this important program for America's children. Please let me know if I can provide you with any further information.

Sincerely,

EUNICE KENNEDY SHRIVER.

Mr. DODD. Mr. President, I will not read the entire letter at this particular point, but let me share with you a little bit about this program. Its program, the Community of Caring, operates in 145 schools nationwide and has an impact on 75,000 students.

To give an example of what one school has been able to do, Mrs. Shriver

gave me some data from the Armstrong High School program in nearby Virginia. It is a success story at a glance.

Pregnancies among ninth graders dropped from 12 in the 1987-88 school year to 1 in 1991-92.

Students promoted to the next grade in 1987, 77 percent, and yet after this character education program, they achieved almost 90 percent, a 13 percent increase in just a few years.

The dropout rate from that school went from 15 percent in 1989 down to a little more than 10 percent in the following year.

Students caught with drugs, alcohol, or weapon at school went to zero in most recent surveys.

Teacher attendance: 5 teachers had perfect attendance rates in 1987-88; 24 teachers had perfect attendance rates in 1991-92.

Mr. President, I ask unanimous consent to print the remainder of this data in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMSTRONG HIGH SCHOOL'S COMMUNITY OF CARING: A SUCCESS STORY AT A GLANCE

Pregnancies among 9th graders:
12 in 1987-88
1 in 1991-92

Pregnancies among all students:
36 in 1987-88
19 in 1991-92

Increases in test scores (percentiles) for same students in 9th grade in 1989, 10th grade in 1990, 11th grade in 1991:
Mathematics—33rd in 1989, 37th in 1990, 39th in 1991
Reading comprehension—30th in 1989, 38th in 1990, 39th in 1991
Science—58th in 1989, 60th in 1990, 61st in 1991
Social studies—32nd in 1989, 34th in 1990, 42nd in 1991
Written expression—48th in 1989, 56th in 1990, 59th in 1991

Students promoted to next grade:
77.7 percent in 1987-88
83.9 percent in 1991-92
Goal of 87.0 percent in 1992-93
Goal of 90.0 percent in 1993-94

Students going on to 2-year and 4-year colleges:
47.2 percent of Class of 1989
48.3 percent of Class of 1990
56.1 percent of Class of 1991
59.3 percent of Class of 1992

Drop-out rate:
14.9 percent in 1988-89
10.3 percent in 1991-92

Students caught with drugs, alcohol or weapon at school:
0 from 1988 to present

Student attendance:
83.6 percent in 1987-88
85.9 percent in 1991-92

Teacher attendance:
5 teachers with perfect attendance in 1987-88
24 teachers with perfect attendance in 1991-92

Prominent graduates:
Governor L. Douglas Wilder
Richmond Mayor Walter Kenney
Richmond School Supt. Lucille Brown
Max Robinson, first black anchor for network TV, U.S. Circuit Judge Spottswood Robinson, III

Admiral S. L. Gravelly, Jr.

School Address:

1611 N. 31st Street, Richmond, VA 23223

School Principal:

George W. Bowser

Mr. DODD. Mr. President, this is just one example of a small school, a neighborhood school, that as a result of having a program like this has improved. These programs affect the lives of children and teach them how to make a difference. Kids want to learn these things. They sense the importance of character, how it can enrich their lives and make them happier, better people.

So while some may snicker a bit at this, it works. It works. What we are simply asking for here is just a few new resources to support a few pilot programs and bring these ideas to districts that may not have the resources. And the Domenici amendment offers this limited federal support and this chance to communities across the states.

Character education may not be—and I think the Senator from New Mexico would agree—the magical answer to all of our problems out there. It is not. But we believe very firmly and very deeply that by developing good character in our young people, we can make a real difference in the lives of every one of them and their families. The data and statistics that we received just in a few programs around the country indicates that.

So this may not be a large amount, and it is not. We do not think it takes a great deal of resources to get it underway, but the value of it speaks for itself.

I think this amendment will make this a better bill. Again, I commend my colleague from New Mexico and our colleague from Maryland, Senator MIKULSKI, who also joined us as a cosponsor of this amendment. We thank the leadership on the floor for allowing us to bring this up. Hopefully, our colleagues will support this and make an already strong bill, even better, by including these provisions.

The PRESIDING OFFICER. Is there further debate? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I talked with the two managers. It is my understanding that they are going to accept this amendment. For that, I am grateful. I hope nobody thinks we are reinventing anything. The truth of the matter is that I believe most Americans—young, old, middle-aged—all know something has gone wrong in our country, and nobody has the answer. We do not either. But we believe part of the answer is that our society is losing its character.

Way back in Plato's day, he said a country without character is lost. The only way for a country to have character is for its people to have character. That is a truism. That does not have anything to do with America today; it has to do with humans living together in a civilized manner.

I think most would say we know that we ought to have more respect, more responsibility, more trustworthiness, more fairness.

These are the kinds of characteristics or elements of character we are talking about. There are lots of Americans working on it, and we want to lend our hand to trying to be part of understanding it, to spread it more rapidly, to put it into some understandable form and measurable. And to have just 10 pilot programs, if such be the will of the partnerships around our country, to lend a little impetus to this we believe, and I am sure the Senate believes, is very, very necessary in our country.

Mr. KENNEDY. Mr. President, I am personally grateful for the kind comments of the Senators from New Mexico and Connecticut about the Joseph P. Kennedy, Jr. Foundation program that has been involved in this area and has been for some period of time. I therefore sort of necessarily recuse myself from expressing an opinion on this particular amendment.

I yield to the ranking member to make a judgment in terms of the committee's position on this.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as stated by the Senator from New Mexico, there is no objection on either side of the aisle, and I think it is a worthy effort. And by example, it is my understanding in Massachusetts this is being used in the public schools and private schools as well, and it has served well.

I think it is a fine approach for us to take at this time, and there is no objection.

Mr. DOMENICI. Mr. President, Senator PELL would like to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, while Senator DODD is in the Chamber, I would like to address one aspect of this that we have both confronted. Frankly, there is a lot of cynicism in America. There is cynicism about almost anything that politicians try to do.

Frankly, I have been asked questions in my home State that seem to say: Why would the Senate—and then they will add whatever they think about the Senate—be involved in this?

I would just like to say from this Senator's standpoint I choose not to be cynical. For whatever time I serve the public, I do not want to be a cynic of our future or our children's future. And that is why I approach this with great confidence, not because of what I am saying but because we expect those people down at the grassroots, people of America in our cities and in our school districts, in our families to find that we are interested and maybe they will be more interested, to find that we are concerned and maybe they will feel more confident.

So that is why we are here. We do not have a monopoly. We do not even begin to be here preaching that we know exactly how to behave and how character should be motivated, but we do believe we have a responsibility to accept the future with optimism and do what we can to help those who are trying.

With that, I have nothing further and I assume we will adopt the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

So the amendment (No. 2414) was agreed to.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2415

(Purpose: To impose a fine on persons who violate a court order regarding interference with rights to prayer in public schools)

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) proposes an amendment numbered 2415.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1165, between lines 21 and 22, insert the following

"SEC. 10607. SCHOOL PRAYER

"Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance."

Mrs. KASSEBAUM. Mr. President, I rise to offer an amendment which I believe to be a thoughtful solution to the potentially volatile and divisive issue of school prayer. This amendment will protect "constitutionally protected prayer"—just as Senator HELMS' amendment does—without placing unfair and unreasonable burdens on school administrators.

During the debate of Goals 2000 last February, the Senate found itself tied up in a complicated and fractious debate regarding the issue of prayer in

our public schools. Indeed, the final version of the legislation that the Senate sent to the conference contained three different amendments relating to this one point. The amendment that I am now introducing is designed to avoid a repeat of that scenario.

In crafting this amendment, I have worked hard to meld the spirit of the Goals 2000 amendments while avoiding heavy-handed and unreasonable penalties on the students of our country.

All of the concerns raised on the Senate floor during the debate were valid ones. No one would argue against protecting constitutionally protected prayer. I commend all of my colleagues who expressed a sincere interest in maintaining this basic right for the public school students of our country.

But unfortunately, Mr. President, the issue of what is constitutionally protected is not as simple as it may first sound. Even the courts are split on what is allowed. The law surrounding this issue is unquestionably murky.

For example, in June 1993, a Federal court judge in Boise, ID, upheld students' rights to have a prayer at graduation. That same summer a Federal judge in Virginia ruled that a planned graduation prayer was unconstitutional, stating that the Constitution does not permit "students by majority vote to impose prayer on a minority."

In short, the same issue produced two very different interpretations of the Constitution.

Mr. President, this does not mean that all aspects of religion and prayer in public schools are currently in question. Students and parents have contended that some actions which school administrators at first determined impermissible were in fact ensured by our first amendment's guarantee of religious freedom. The courts have ruled that students have the right to read religious materials during individual study time; that a school district which permits civic and social groups to use its facilities must allow similar use for religious groups, and that school libraries are allowed to contain copies of the Bible. Certainly these are things that I think we would all feel were enormously important, Mr. President.

In each of these instances, the rights guaranteed by the first amendment were determined in their proper venue—the courts. School administrators had made good-faith efforts to determine what actions were constitutionally protected. But school administrators are not constitutional scholars, and it has placed them in an enormously difficult role. Therefore, in each of these cases, the courts ruled that the actions were permitted and the schools acted accordingly.

That, Mr. President, is how it should be. This amendment avoids putting school administrators in the position of determining how the first amendment should be interpreted.

This amendment will protect the rights of students. If a school administrator fails to correct a policy that the Court has deemed to infringe upon a student's first amendment rights, that school district will be faced with a monetary penalty. If school administrators willfully violate a student's constitutional rights regarding school prayer, they should be punished. But I think the phrase to emphasize is "willfully violate a student's constitutional rights."

Mr. President, the first amendment to the Constitution guarantees us religious freedom. That is something that everyone in this country cherishes and values. It is important to note that the Supreme Court has never attempted to forbid students from participating in voluntary, personal, undistruptive prayer on school property during school hours. I wholeheartedly believe in the importance of prayer in our daily lives. One can pray anywhere, at any time.

However, the first amendment also ensures that our Government refrain from endorsing one particular religion over another. The text reads:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The Supreme Court has consistently interpreted this to mean that Government must be neutral regarding religion in the public schools.

Mr. President, our Constitution is not about, and has never been about, inhibiting religion, but ensuring that our Government stays neutral towards it. Reconciling these two fundamental intentions of the first amendment remains a challenge to us all—here in the Congress and out among the schools. It is unreasonable to expect our school administrators and teachers to be constitutional scholars.

The courts will ensure that protected prayer is permitted in our schools. This amendment further strengthens that power, without unfairly placing on our school officials the burden of determining what is protected.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I will vote for the Kassebaum amendment, because it represents a fair and balanced approach to protecting the constitutional rights of all Americans with regard to prayer in the public schools.

The Kassebaum amendment would require that Federal funds be withheld from any State or local educational agency that is found to have willfully violated a court order requiring the school district to stop violating the constitutional rights of any student with respect to prayer in the schools. A school district cannot be reimbursed for funds that are withheld during any period when the district is in willful noncompliance of the court's order.

The approach taken by the Kassebaum amendment is far superior to

that taken by the amendment offered by the Senator from North Carolina to the Goals 2000 bill, an amendment that has been offered to this bill as well.

The Helms amendment provides that all Federal education funds must be cut off when a State or local educational agency "has a policy of denying, or which effectively prevents participation in, constitution[ally] protected prayer in public schools by individuals on a voluntary basis."

When the Goals 2000 bill was before the Senate I supported the Helms amendment after he modified it to limit its application to constitutionally protected voluntary prayer. There are narrow situations in my view where the free exercise clause guarantees a student the right of pray privately and quietly to himself or herself, without disrupting class or avoiding his studies.

On reflection, however, I believe that in the form offered by the Senator from North Carolina, the provision could be misused by some to scare school board officials into allowing religious rituals in situations where they are not constitutionally protected. That point was made in a June 3, 1994, joint letter by a broad coalition of educational, religious and civil liberties organizations. I would like to read a portion of that letter.

As educational organizations, religious and faith communities, and organizations devoted to religious and civil liberty, we write to urge that you oppose the Helms school prayer amendment which will be offered when the Senate considers S. 1513, the Elementary and Secondary Education Authorization Act. The Helms amendment would terminate all Department of Education funding to any state or local educational agency which "has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis."

Together, we serve millions of students and parents, thousands of school administrators and school boards, teachers and child advocates, as well as millions of Americans of many religious faiths. We are firmly convinced * * * that the Helms amendment would undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the Senate.

The amendment places an unfair burden on school authorities by forcing them to navigate an exceedingly complex and sometimes contradictory area of constitutional law under penalty of forfeiting all federal funding.

The amendment is draconian, withholding precious educational resources even for actions which unintentionally, indirectly or unforeseeably interfere with prayer in schools.

The amendment would significantly expand federal bureaucratic intrusion into decisions by state and local educational officials.

The amendment would invite widespread threats and litigation against school officials by activists seeking to force group prayer into the public schools.

Although seemingly phrased in constitutionally neutral language, the amendment

would actually encourage widespread violations of the First Amendment's Establishment Clause, and would thereby foster even more litigation against our schools.

Finally, the Helms amendment is wholly unnecessary in light of the availability of ordinary legal remedies for violations of the constitutional right to pray and the very sparse record of judicial decisions finding violations of students' constitutional rights to pray in school.

For the sake of our schools, local control of education, and our Constitution, we urge you to reject the Helms amendment to ESEA.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

In short, the right protected by the Helms amendment is a profoundly important one, but the harsh remedy it would prescribe would tip the delicate balance required to protect the constitutional rights of those who wish to engage in prayer in schools, and of those who do not wish to participate. Local school boards faced with the risk of a complete cutoff of Federal funds would have every reason to sacrifice the constitutional rights of religious minorities to accommodate the religious preferences of the majority.

And where school boards erred in good faith and unintentionally violated the Constitution, under the Helms amendment all Federal funds would be cut off and innocent children would be deprived of educational opportunities.

Congress has previously recognized that a complete fund cutoff is unfair in these circumstances. The Equal Access Act which Congress passed in 1984 assures that religious groups will be given an equal right to use school facilities for after-school meetings.

When that law was first introduced, it contained a fund cutoff provision similar to that contained in the Helms amendment. Congress rejected that approach in the version that finally was enacted; it expressly prohibits the Federal Government from withholding school aid for violations of the act.

The Kassebaum amendment avoids the deficiencies of the Helms amendment. It applies evenhandedly to protect the constitutional rights of those who seek to pray, and of those who seek to avoid the unconstitutional establishment of religion. Because the Kassebaum amendment would authorize the withholding of Federal funds only when a school district willfully disobeyed a court order, it would not pressure school boards to tilt in favor of one group at the expense of others. And it would not punish innocent school children for good faith errors committed by local school boards.

The Kassebaum amendment is similar to Federal laws banning race, gender, and disability discrimination in federally funded programs. These laws do not permit, let alone require, a complete cutoff of Federal funds to institutions that are found to discriminate.

Under those laws, fund terminations may occur only after a hearing on the

record, judicial review, and persistent refusal by the institution to comply with the requirement; even in those situations, fund terminations are required to be limited to the particular program found to have discriminated.

Similarly, the Kassebaum amendment requires that a court determine whether there has been a constitutional violation before the withholding of Federal funds can be ordered. This is appropriate, since the law in this area is often vague, and the Federal courts are best situated to determine whether a violation has occurred.

In sum, the Kassebaum amendment fairly protects the religious rights of all Americans, while the Helms amendment would jeopardize educational opportunities for innocent children and coerce school officials to observe the religious rights of some students and to deny the rights of others.

I urge my colleagues to support the Kassebaum amendment and to reject the Helms amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 3, 1994.

DEAR SENATOR: As educational organizations, religious and faith communities, and organizations devoted to religious and civil liberty, we write to urge that you oppose the Helms school prayer amendment which will be offered when the Senate considers S. 1513, the Elementary & Secondary Education Authorization Act. The Helms amendment would terminate all Department of Education funding to any state or local educational agency which "has a policy of denying or which effectively prevents participation in constitutionally protected prayer in public schools by individuals on a voluntary basis."

Together, we serve millions of students and parents, thousands of school administrators and school boards, teachers and child advocates, as well as millions of Americans of many religious faiths. We are firmly convinced, for the many reasons outlined below and explained more fully in the attached memorandum, that the Helms amendment would undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the Senate.

The amendment places an unfair burden on school authorities by forcing them to navigate an exceedingly complex and sometimes contradictory area of constitutional law under penalty of forfeiting all federal funding.

The amendment is draconian, withholding precious educational resources even for actions which unintentionally, indirectly or unforeseeably interfere with prayer in schools.

The amendment would significantly expand federal bureaucratic intrusion into decisions by state and local educational officials.

The amendment would invite widespread threats and litigation against school officials by activists seeking to force group prayer into the public schools.

Although seemingly phrased in constitutionally neutral language, the amendment would actually encourage widespread violations of the First Amendment's Establish-

ment Clause, and would thereby foster even more litigation against our schools.

Finally, the Helms amendment is wholly unnecessary in light of the availability of ordinary legal remedies for violations of the constitutional right to pray and the very sparse record of judicial decisions finding violations of students' constitutional rights to pray in school.

For the sake of our schools, local control of education, and our Constitution, we urge you to reject the Helms amendment to ESEA.

American Federation of School Administrators, AFL-CIO.

American Jewish Committee.

American Jewish Congress.

Americans for Religious Liberty.

Americans United for Separation of Church and State.

Anti-Defamation League.

Baptist Joint Committee on Public Affairs.

Central Conference of American Rabbis.

Church of the Brethren, Washington Office.

Council of Chief State School Officers.

Council of the Great City Schools.

The Episcopal Church.

Friends Committee on National Legislation.

General Conference of Seventh-day Adventists.

National Coalition for Public Education & Religious Liberty.

National Council of Churches.

National Council of Jewish Women.

National Education Association.

National Jewish Community Relations Advisory Council.

National Jewish Democratic Council.

National P.T.A.

National School Boards Association.

People For The American Way Action Fund.

Presbyterian Church (USA), Washington Office.

Union of American Hebrew Congregations.

Unitarian Universalist Association of Congregations.

United Synagogues of Conservative Judaism.

Mr. THURMOND. Mr. President, I rise today to speak in favor of S. 1513, the Improving America's Schools Act of 1993. I commend Senator KASSEBAUM for the fine job she has done on this bill. While I intend to support the legislation before us today, amendments may be offered to this legislation that I also support. However, I caution my colleagues that amendments regarding opportunity-to-learn standards or outcome-based education will force me to reconsider my support of this legislation.

Mr. President, last year we passed S. 1150, the Goals 2000: Educate America Act. I supported that legislation during its initial passage in the Senate. However, I felt that I could not support the Senate version which would further involve the Federal Government in education. Subsequently, I did not support the legislation reported by the conference committee. I hope this does not happen with the legislation before us today.

The Elementary and Secondary Education Act primarily addresses the special educational needs of disadvantaged students. It encourages the develop-

ment and implementation of innovative instructional techniques. It also encourages instructional improvement in key subject areas such as math and science.

S. 1513 contains a number of worthy programs, several of which I would like to highlight. First, the largest Federal elementary and secondary education program, chapter I, is a formula grant program that provides supplemental educational and related services through State and local organizations to improve the achievement of educationally deprived children from preschool through high school.

Second, the Early Childhood Transition and Even Start Programs will help children under 8 years of age to be better prepared when entering elementary school. The Early Childhood Transition Program provides transition services for children who have participated in Head Start or other early childhood programs. This is vital to ensure that the gains made by early childhood programs are not lost as these children enter elementary school. The Even Start Program combines early and adult education to families with parents without a high school diploma or GED. This helps build partnerships within families so that family members reinforce and encourage each other to learn.

Third, S. 1513 will continue to improve educational programs for migrant children and to improve interstate and intrastate coordination and transfer of student records.

Fourth, this legislation includes grants which will foster the use of technology applications in our schools, professional development in educational technology, and technology-related services in public libraries and literacy programs. The Star Schools Program provides access to telecommunications systems for rural schools to improve access to educational instruction through the development and acquisition of telecommunications equipment and instructional programming. The use of technology in education will help America remain globally competitive, and I am very supportive of this program.

Fifth, the Inexpensive Book Distribution Program will be contained under this legislation. This program is operated by Reading is Fundamental [RIF], which is associated with the Smithsonian Institution. It is estimated that in 1995, approximately 6 million books will be distributed to nearly 2 million children. This program inspires children to read and motivates parents to be involved in the achievements of their children.

Finally, in order for our children to be successful in education they must live in a safe and drug-free environment. The Improving America's Schools Act provides assistance to help

prevent the illegal use of alcohol and other drugs and to prevent violence in and around schools. It expands the Drug-Free Schools and Communities Act of 1986 to include violence prevention. This is a worthy program that deserves our support.

These programs are among the many worthy programs authorized by this legislation.

Mr. President, as you know, I have concerns with the role of the Federal Government in our educational system. I am particularly concerned about the establishment of a Federal curriculum and limitations on the flexibility that is critical in allowing States to address local needs.

However, on balance, I believe this legislation seeks to provide a high-quality education for all Americans. It provides critical resources to help economically disadvantaged children achieve their educational goals. It also encourages innovation in addressing the diverse educational needs our children face.

I am a strong supporter of education reform. I believe the education we provide to our children and future generations of children is one of the most important gifts we can give them.

Again, I intend to support S. 1513 in its current form. However, I must again caution my colleagues against amendments that call for excessive Federal regulatory requirements, as well as Federal mandates not funded by the Federal Government.

SCHOOL PRAYER AMENDMENTS TO ESEA

Mr. DURENBERGER. Mr. President, I rise in support of the Kassebaum school prayer amendment and in opposition to the Helms amendment.

Mr. President I commend both my colleagues, Senator HELMS and Senator KASSEBAUM for working on the critical issue of school prayer. Like my colleagues I have been concerned about the abuse of the Constitution that has resulted in attempts to forbid any religious expression in public schools. I am heartened by the Court's recent attempts to restore the appropriate balance between the free expression of religion and the establishment clause.

Today I vote my preference for the Kassebaum approach because I think it very creatively deals with the problem found in the Helms amendment.

The only problem with the Helms amendment, in my mind, was that it forced school administrators to reach difficult constitutional conclusions with an enormous stake riding on their ability to guess correctly. I support the goal of the amendment to condition Federal support on an appropriate respect for the constitutional rights of students who want to pray in school. But I was troubled, in the final analysis, by the possibility that a school administrator, who tried in good faith and to the best of his or her ability to discern the constitutionality of any

given proposal, could lose Federal funds because he or she did not accurately predict the outcome of a constitutional issue.

The Kassebaum amendment cures this defect. It gives the school administrator a way to make decisions in good faith when there is no specific guidance on the constitutionality of a proposal without placing their Federal funding on the line. But, like the Helms amendment, it gives real teeth to the requirement that schools not interfere with constitutionality protected prayer.

Mr. President, I applaud the efforts of the Senator from North Carolina to keep this issue before the Senate. And I applaud the Senator from Kansas for her creative solution to the dilemma that school administrators might have faced under the Helms amendment.

I urge my colleagues to support the Kassebaum approach to this important issue.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina, [Mr. HELMS], is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have just come from the White House, where I was witness to an inspiring event. As I told Senators in the policy luncheon today, I was going down to join in welcoming the number one girls' basketball team in America—the Lady Tarheels from the University of North Carolina. I have heard it mentioned that last year, the men's basketball team was number one in the NCAA. They were not number one this year, because Arkansas beat them.

But there were those young ladies, and most of them tower over the President and me. I think I shall never forget the picture—and it may be in the papers tomorrow morning—of the President looking up at a lovely young woman, one of whom won the game back in March, in the last seven-tenths of a second. She made a three-pointer and won the game and the championship for the ladies of the University of North Carolina's basketball team.

In talking with these young ladies and with the coach, we began wandering off the subject of basketball and wandering onto the state of the Nation, if you will. I found that each one of these ladies is dedicated in terms of moral and spiritual values. A couple of them said, "Senator, are you going to offer your prayer amendment again any time this year?" I said, "I am." They said, "We hope it passes." Well, I share that hope, because that is what I intend to do right now.

But first, Mr. President, may I ask if the pending business is the amendment of the Senator from Kansas?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. It is necessary to set that aside temporarily. Can I do that by second-degreeing her amendment?

The PRESIDING OFFICER. The Kassebaum amendment is open to further amendment in the second degree.

Mr. HELMS. I thank the Chair.

I ask for the yeas and nays on the Kassebaum amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2416 TO AMENDMENT NO. 2415

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. NICKLES, and Mr. SMITH, proposes an amendment numbered 2416 to amendment No. 2415.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . PROHIBITION AGAINST FUNDS FOR PROTECTED + PRAYER.

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local education agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

Mr. HELMS. Mr. President, as we were discussing at the White House with those young people today, America is in the midst of a historic struggle between those who see this Nation as having been rooted in Judeo-Christian morality, people who yearn for a restoration of the traditional values passed down by the Founding Fathers on one side; and on the other side, those who intentionally, or unintentionally, or by benign neglect, would discard the moral and spiritual values in favor of something called "moral relativism," and that is really a struggle, I think, for the soul of America.

Jenkin Lloyd Jones, of the Tulsa Tribune, many years ago wrote an editorial which must have been reprinted a million times, entitled "What Has Happened to the Soul of America?"

That question is relevant today, even more so. How this struggle is resolved will—many of us are convinced—determine whether America will succeed and prosper, or whether America will disappear into the dustbin of history.

I am gratified, for one, that the American people, in poll after poll, confirm that they recognize what is at stake. And by a wide margin—anywhere from 75 to 80 percent—they want school prayer restored. I might add that since the first time that the Senate passed this amendment, 75-22, if I am correct in the figures, we must

have received 10,000 pieces of mail, and almost that many telephone calls, from people wanting to know if I wanted to try it again and on what legislation. And, of course, I told them on this piece of legislation—the elementary and secondary education bill.

I was encouraged back in February when the Senate voted 75–22 to approve an amendment to prevent public schools from prohibiting constitutionally protected, voluntary, student-initiated school prayer.

Despite this vote and a 367 to 45 vote in the House of Representatives to instruct its conferees to support the Senate school prayer amendment that had been approved by the Senate, as I said 75 to 22, despite all of that, a little hanky-panky occurred in conference, and the amendment was dropped. I had plenty to say about that, and so did several other Senators, just before Easter when the conference report on that bill came back.

I was dismayed, frankly, as author of that amendment, as was Senator LOTT, who was the principal cosponsor of the amendment, that our amendment was dropped in the closing seconds of the conference between the House and the Senate. There was no debate. There was no discussion. There was no vote. Just a wink and a nod, between the Senator from Massachusetts and his counterpart on the House side who by obvious prearrangement dropped the amendment and substituted in its stead do-nothing language. In other words, they gutted the provision.

The House as a whole rejected the do-nothing amendment that the Senator from Massachusetts and his House counterpart put in that conference report earlier this year.

Now, when that do-nothing text, that precise amendment, I might emphasize, was offered to the House version of this bill, the underlying bill, H.R. 6, the House rejected it overwhelmingly 179 to 239.

So what do we have here the second time around? The will of the overwhelming majority of both the Senate and the House was deliberately overturned and the wishes of the American people—75 to 80 percent of them in every poll I have seen support voluntary prayer in school—were cast aside. What they thought, what they wanted, what they desired did not matter. A wink and a nod and away the amendment went.

We ought to see if that happens again. Many Senators on that Friday night—just before Easter when the Senate was in session until after midnight—stood on this floor and were highly critical of the arrogance of the Senator from Massachusetts and his cohort in the House of Representatives when the conference report was brought up in the Senate immediately prior to that Easter recess.

As I recall, one of the Nation's large, liberal newspapers lamented the fact

that the Senate was being delayed in beginning its recess because, as the newspaper put it, something "so trivial"—so trivial—as school prayer was taking up the time of the Senate.

Mr. President, let me emphasize the way I feel about it. If we care about restoring America's principles and traditional values, the very foundation of this country from the beginning, if we care about the long-term survival of this country of ours, how could there be anything more important than for the Senate to spend a little time on the subject of protecting the right of America's children to participate in voluntary, constitutionally protected prayer in their school?

And that is why, Mr. President, I have offered the pending amendment.

So that there may be no misunderstanding about it, no misinterpretation of it, let me read the amendment into the RECORD again. The clerk has already read it very clearly, but you are going to hear a lot of "who struck John" about how my amendment is terrible. Well, it is not terrible at all.

The amendment pending says:

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

That is the amendment. It includes a modification suggested by the Senator from Massachusetts last February who then voted for it when it passed the Senate, and then when it got into conference the hanky-panky began.

This is the precise language which the Senate approved 75 to 22 on February 3 of this year. I repeat that for emphasis.

Mr. President, I ask unanimous consent that the rollcall vote on school prayer on February 3, to which I allude, be printed in the RECORD immediately before the vote on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Now, then, Mr. President, I reiterate that this exact language was approved by the House of Representatives 345 to 64 as an amendment to their version of the elementary and secondary education bill, H.R. 6, meaning that if the Helms-Lott-Dole-Nickles-Smith amendment is approved today, surely no conferee on the underlying bill will again be brazen enough to attempt to drop the amendment in conference.

So that there will be no misunderstanding as to the implications of this

amendment, I will remind Senators what it does not do.

It does not mandate school prayer. It does not require schools to write any particular prayer. It does not compel any student in any school to participate in any prayer against his or her wishes. It does not prohibit school districts from establishing appropriate time, place, and manner restrictions on voluntary prayer—the same kind of restrictions that are placed on other forms of free speech in the schools.

What the amendment does do is prevent school districts from establishing official policies or procedures with the intent of prohibiting students from exercising their constitutionally protected right to lead or participate in voluntary prayer in school.

I will tell you why this amendment is essential: All over this country school administrators either are confused or claim to be confused about what students' rights are in terms of this issue. The Helms-Dole-Lott-Nickles-Smith amendment, which is pending, will make it perfectly clear, because this amendment will tell them you better not prevent individuals from praying without studying the law, not popular myths, about what is and is not constitutional. The amendment will make it really clear to school officials who claim to be—but are truly—confused. A lot of them may be legitimately confused because there are conflicting signals coming out of Washington, DC, mainly because of a lot of things that are said on this floor that simply are not true.

What the amendment does do—I reiterate—is prevent school districts from establishing official policies or official procedures with the intent of prohibiting students from exercising their constitutionally protected right to lead or participate in voluntary prayer in the school.

That, Mr. President, will be its immediate impact because, as I said, this exact language is already in the House version.

In the long-term, the amendment's impact will be to help reverse the breakdown in our Nation of traditional morality and respect for human life and love for our fellow man.

I was gratified, as I know other Senators were, to note in the media the activities of a great many young people in Washington who are turning back toward moral and spiritual values, and I want to take my hat off, if I had one on, to the black ministers of Washington, DC, who have also been pushing for school prayer. They are not being fooled about the cause of violence, the cause of immorality, or the cause of the breakdown in traditional values. They know what has happened, and they are doing something about it. And I am proud of them and I want them to know it.

Looking back in time for just a moment, I, for one, believe it is possible,

Mr. President, to pinpoint the precise time when the decline of America began. It began with the Supreme Court's 1962 decision banning school prayer. That is when America reached the slippery slope and looked down and then continued, and the importance of moral and spiritual values faded into the background.

Those of us who are in roughly my age bracket remember a woman named Madalyn Murray. She is now Madalyn Murray O'Hair. She is the lady who invited known Communists into her home, who then assisted her with the lawsuit that ended up in the Supreme Court and resulted in the banning of voluntary prayer from the schools.

Madalyn Murray. She had a little boy who was used as the pawn in this rolling of the dice. His name is Bill Murray.

Along about 1980, Mr. President, I went with the candidate for President that year to Dallas for an appearance. After the appearance was over, I went to a hotel restaurant to see if I could get a sandwich before going to bed. A nice-looking young man came up and shook hands with me as I was standing in line.

He said, "I just want to introduce myself and thank you for what you are trying to do. My name is Bill Murray."

We had an athletic director at Duke University named Bill Murray. I said, "Is your dad the athletic director at Duke?"

He said, "No, sir. My mother is Madalyn Murray O'Hair."

I said, "Well, you are—"

He said, "That's right. I'm the little boy who was made the focal point. She did not want me to be exposed to prayer in school."

We sat and talked that evening and shared a sandwich together. I found out that Bill Murray was conducting a ministry. He was going around the country saying, "I love my mother, but I apologize for what she did." He said, "You know, it is interesting to watch the news media." He elaborated, "When I get down to the business of how this effort was contrived in my mother's home and by whom, the television lights go off and the notebooks are snapped shut, and you never hear anything about it."

I still correspond with Bill, and I think his ministry is doing well.

But I think it is quite interesting that the focal point of the 1962 decision—and there was more than one of them—is now going around apologizing for what his mother did. He still loves his mother, but he regrets what she did and he regrets that she used him.

In the publication entitled "The Index of Leading Cultural Indicators," a publication prepared by Bill Bennett, former Secretary of Education, Bill documents the cultural breakdown of our society over the past 20 years or so. Senators who review this publication

will see, for example, that between 1972 and 1990, teenage pregnancy almost doubled, from 49.4 per thousand to 99.2 per thousand. Teenage abortions increased from 19.9 to 43.8 per thousand in the same period.

So is there any real wonder that we see such trends when our schools actively prohibit prayer and reading from the Bible, and then turn around and distribute condoms to students? What kind of signal are we sending to the young people of this Nation when our Government forbids their prayers, but pays for their condoms?

Back to Bill Bennett's publication. He pointed out how at one time not too long ago school teachers were worried about their students "chewing gum, making noise" or "running down the halls." Today, teachers worry about their students abusing drugs, getting pregnant, being raped, assaulted, or shot in school or on the streets; or students bringing guns to school.

I recall a 1993 survey of school superintendents in New York State. This survey was published by Time Magazine. Time Magazine listed the following instances of violence in the New York public schools in 1993. It might be worthwhile to read them into the RECORD.

Disorderly conduct, 24,066; harassment, 19,535—now, these are acts committed in the schools—assault, 8,879; vandalism, 6,886; larceny, 5,587; menacing, 5,445; weapon possession, 3,142; reckless endangerment, 3,119; robbery, 1,804; and sex offenses, 348.

With all that going on, I think the ministers in the District of Columbia are properly saying to me and others, "Why do we still hear voices saying, 'Oh, no; prayer in the schools must not be permitted?'"

Now, these voices insist that school children must not be allowed to begin their school day—just as we do in the U.S. Senate and as they do over in the House of Representatives—with a prayer. That is what the ACLU and the ACLU's allies here in the Senate see as the great threat to students—school prayer.

Have we, as a society, learned nothing from the rising rates of crime and illegitimate birth, abortion, incest, poverty, teenage suicides, AIDS, and the tragic erosion of American citizens' traditional love and concern for their fellowman?

All of these, I am absolutely persuaded, have a common thread: A collapse of moral and spiritual values in America. But I believe it is encouraging to know that 75 to 80 percent of the American people in every poll now strongly support the restoration of school prayer. They took the poll on the Helms-Lott-Nickles-Dole amendment, and there the support stood at 75 to 80 percent.

Mr. President, 207 years ago—and I am going to wind up with this—a group

of patriots, whom we now call our Founding Fathers, met in Philadelphia to try to work out an agreement on what was to become the Constitution of the United States. The story is a familiar one.

I often say that every school board knows it, but I am not too sure of that now. I hope they are still teaching it.

But, in any case, of those patriots, who met in Philadelphia 207 years ago, few had any notion whatsoever about the importance of the task that they had undertaken and for which they had assembled. And, being human, everyone tried to get an advantage over all the others for their home States.

You see some of that in the U.S. Senate in the year 1994—one-upmanship. And that rubs on the nerves a little bit after awhile.

Tempers began to flare; some of the delegates were beginning to get fed up and were making plans to get on their horses and get back to their homes.

And it was then that a 81-year-old gentleman named Benjamin Franklin—he listened and shook his head—got up and said to his brethren, and I am quoting,

In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for Divine Protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor.

Have we now forgotten this powerful Friend? Or do we now imagine that we no longer need His assistance?

And here is where he got down to brass tacks.

I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth: That God governs in the affairs of man. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?

We have been assured, Sir, in the Sacred Writings that except the Lord build the house, they labor in vain who build it. I firmly believe this.

Ben, wherever you are, I believe it, too.

And then came Ben Franklin's final counsel and admonition to those assembled representatives:

I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven, and its blessing on our deliberation, be held in this assembly every morning.

And they were held.

Do you know something? It was not long before they worked out their little differences, these Founding Fathers of ours. And this Nation was born. The Constitution was completed, and signed. The delegates, you see, had gotten the message. They closed the doors and the windows, fell to their knees in prayer—and, of course, that was the beginning of the Miracle of America.

After the delegates had finished their work, Dr. Franklin stepped outside where a great crowd had been milling. A lady rushed forward, tugged at the

great statesman's jacket, and asked: "What do we have, Dr. Franklin—a monarchy or a republic?"

Dr. Franklin gazed into her eyes and replied: "My dear lady, you have a republic—if you can keep it."

And that is the challenge to us today. We are trying desperately to keep a Republic. For more than 200 years, generation after generation knew about that and understood the precept. They met the challenge, I would point out, including individuals from a multitude of faiths, whether they were Protestant or Catholic, Moslem or Jew, Hindu or Buddhist, or countless others. But that was the day, you see, before the American Civil Liberties Union. Now, as we work our way through America's third century, we face this question: Can this great Nation, created with the assistance of Almighty providence, long survive if we as a nation turn our backs on God by allowing a small elite to prohibit voluntary prayer in schools—the very place where we try to educate and nurture future generations?

Statistic after statistic shows that we cannot. And the betting is that we will not. That is why I urge Senators to change the tragic course we have taken by adopting the pending amendment. America's future is at stake.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, before the Senator from North Carolina leaves the floor, I would just like to ask a couple of questions. The amendment of the Senator from North Carolina and my amendment are similar in one respect, we both protect the rights of students to engage in constitutional protected prayer. The Senator would agree with that?

Mr. HELMS. That is correct. And that is why earlier today I suggested everybody vote for the amendment of Senator KASSEBAUM and also vote for the amendment of JESSE HELMS.

Mrs. KASSEBAUM. Could I suggest to my good friend from North Carolina, that there is a major difference in our amendments. I would like to make sure everyone recognizes this. Much of what the Senator from North Carolina has spoken to—about the need to reinvigorate our educational system with a sense of responsibility and a respect for prayer, his thoughts on respect and tolerance for the views of others—I certainly would agree with.

But there is one very important difference in our amendments. In the Helms amendment, the children served by chapter 1 moneys, who are the lowest income and most disadvantaged of our students, would be deprived of moneys in cases where an arbitrary judgment is made by a specified party that school officials have prevented legal prayer.

In my amendment that can only happen where there has been willful violation of the law. I suggest to the Senator from North Carolina that it troubles me a great deal that he proposes we can cut these funds—which I think both of us would agree are important funds and which have helped the schools in North Carolina as well as Kansas—because of an inadvertent decision made by an individual teacher. And while we both support constitutionally protected prayer, it has become difficult to determine what is constitutionally protected.

I believe it is absolutely essential that when it is determined that certain rights are protected and those rights have been violated, there should be a penalty. But when there is uncertainty, I think we do a real injustice to the students to deprive them of chapter 1 moneys, which are targeted to the poorest of our school districts. That is where there is a major difference between these two amendments. It is imperative that this difference be recognized because it is my understanding that a vote for Senator HELM's second-degree amendment could nullify mine as the first-degree amendment. I do not think they are compatible enough.

Mr. HELMS. You are not correct about that. Mine is an add-on. The Senator's amendment will stand.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from North Carolina will—

Mrs. KASSEBAUM. Madam President, I ask that I have a dialog with the Senator from North Carolina and get his response. I would be happy to get a response.

Mr. HELMS. I will explain to the Senator the problem I find with her amendment. I think the lady knows I respect her. However, your amendment drags in Federal judges to make any initial decisions in favor of school prayer, but not for decisions against school prayer. I think the Congress of the United States ought to make such decisions.

The amendment of the Senator says, "Any State or local agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order." We already have too many of our decisions being made by judges who ought not be on the bench in the first place. So, I have trouble with the Senator's amendment. But I have no objection to Senators voting for both of them if they wish.

But I cannot say I look with great excitement on the Senator dragging in Federal judges to make decisions that should be made by the Congress of the United States. That is what we are paid to do.

Mrs. KASSEBAUM. Madam President, I thank the Senator from North Carolina. I suppose that we all could, at one time or another, make the argument that we do not agree with the Court.

But I think that the language of the Senator from North Carolina puts at great risk turmoil within our school districts when it forces school administrators to determine what should be allowed, and cuts off Federal funds even if school administrators make good faith efforts to follow the law.

So while it is very difficult to determine what is and what is not constitutional, it is not Congress' responsibility. It is the responsibility of those in school districts to make good-faith efforts and then it is the responsibility of the courts to acknowledge whether, indeed, it is constitutional.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HELMS. Madam President, let me respond to what the Senator said about my amendment, please.

The PRESIDING OFFICER. The Senator from Illinois is recognized. We are going from one side of the aisle to the other.

Mr. SIMON. Madam President, I would be pleased to yield to the Senator from North Carolina for the sole purpose of responding.

Mr. HELMS. Madam President, we are going to get down to brass tacks on this, and I say this with great affection and respect. Under the Senator's amendment, the enforcement of a child's right voluntarily to pray in school could very well not be vindicated until years after that child has graduated from high school.

As I have said, the Kassebaum amendment will not diminish the impact of my amendment, so I will not be upset if both are adopted.

But there are significant differences in how the two amendments approach the issue of school prayer and, thus, in the help they will actually provide students who have had their constitutional rights violated. I say again, under the Kassebaum amendment, the enforcement of a child's right to pray voluntarily in the schools might not be vindicated until years after the child has graduated from high school. And even then, the Kassebaum amendment does not penalize the school district for all those years of violating the child's constitutional rights.

Mr. President, under the civil rights laws, damages are given for violations of such rights both before and after the Federal courts render their judgment that indeed an individual's rights have been violated. Yet, the Kassebaum amendment—on the issue of violating rights to pray in school—would penalize schools only for violations that occur after a judgment is rendered against a school district. The violations which are the very basis for the court's judgment would go unpunished.

In other words, a school district can go merrily along prohibiting children's

rights for years, but will never pay a financial penalty for all those violations if the school complies with the court's final judgment. Even then, the school district can still violate the judge's order as long as they can show that they didn't violate the order "willfully." The bottom line is that there is no incentive to do the right thing before the court decree is issued—much less to do the right thing without having to be taken to court.

And that has been the whole point of my amendment. Currently, the ACLU and their legal allies are exerting unbalanced pressure on school boards. They are in the legal driver's seat. They swoop down on any offending school district and threaten its officials with a lawsuit if any kind of voluntary student-initiated prayer or religious activity is even rumored.

The Helms amendment—unlike the Kassebaum amendment—would provide a counterbalance to this pressure. Schools would have to consider an alternative consequence of any unconstitutional decision to disallow voluntary, constitutionally protected school prayer. The amendment creates a complete system of checks and balances to ensure that school districts do not shortchange their students one way or the other.

Finally, Mr. President, after what occurred in the last conference on school prayer, it is almost guaranteed that no language dealing with school prayer will survive the conference on this bill either—unless the Senate adopts verbatim the same language the House passed on the bill. And that is why the pending amendment is verbatim the same language the House has already attached to their version of the bill—H.R. 6—by a vote of 345 to 64.

That is why those who oppose school prayer want the Senate to pass almost anything on the issue of school prayer—as long as it is different than the language of my pending amendment.

A vote against my amendment on school prayer is a vote to kill school prayer in the upcoming conference on the Elementary and Secondary Education Reauthorization Act. Senators can vote for or against the Kassebaum amendment, but if they truly want school prayer to be restored in the schools, they must vote of the Helms amendment.

Let us take on our responsibility as a U.S. Senate. Let us not say some Federal judge way out there somewhere in America who exercises one man's or woman's judgment is going to decide something we have the responsibility to decide.

Mrs. KASSEBAUM. Madam President, just if I may respond, it is not at all clear that Senator HELMS' amendment would provide a faster remedy.

Mr. HELMS. Just a minute. Who has the floor?

The PRESIDING OFFICER. The Senator from Illinois is recognized and had

yielded. The Senator from Illinois now has the floor.

Mr. SIMON. Madam President, I respect the sincerity of my colleague from North Carolina and those who advocate this. My colleague from North Carolina happens to have his office right next to mine and, among many other virtues he has, he is just good to people, whether they come from Illinois or North Carolina or California, or where they are. I appreciate it.

I remember when I served in the House, we had a House Member who was mean to elevator operators and other people, and pages and others. One day, he came to me and said he needed help on something and I said, "I'm going to tell you real candidly why I'm not going to help you." It is because he was not good to people.

My colleague from North Carolina is good to people, and I genuinely respect him for that. But I also believe he is wrong on this amendment.

What he is saying is that we should have mandated voluntary prayer. There is some inconsistency in having mandated voluntary prayer. From the people who are always against Federal mandates, all of a sudden we are going to have a Federal mandate that affects all the schools.

I think this is unwise. Senator HELMS says the Federal judges are going to be making the decision on the Kassebaum amendment. His amendment has this phrase in it that it would require school districts to have constitutionally protected prayer. Who makes the decision as to what is constitutionally protected prayer? Well, it would be the Federal judges who would make that decision.

I respect those who want to see a greater spiritual life in our country. My father was a Lutheran minister. My brother is a Lutheran minister. But we should not expect our schools to do what our homes and our churches and our synagogues and our mosques are doing. That is something we ought to be doing individually. I do believe that this amendment, even if it were to be adopted, violates the criteria that has been set forth by the U.S. Supreme Court.

When we ask the schools to get into this business of religion, I think we have to remind ourselves, believe it or not, in Nazi Germany, they had required religion in the schools. Somehow something did not click because that is not where we are going to acquire religion.

And then finally, Madam President, when we get down to this business of prayer, we have to ask, whose prayer is it? Is it Roman Catholic, is it Presbyterian, is it Jewish? We now have, for example, in this country, believe it or not, according to the last census, more Moslems than we do Presbyterians. We have more Buddhists than we have Episcopalians. Whose prayer are we going to use?

I think we get into a very, very delicate area when we mandate voluntary prayer. I think there is an inconsistency in the very phrase "mandated voluntary prayer." But that is what this amendment calls for.

I think, with all due respect for my friend from North Carolina, this amendment should be defeated.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I know that Senator HATFIELD—and there have been others—has been waiting. If I can get the attention of the Senator from Oregon for a moment, he has been in the middle of some appropriations meetings. Perhaps he can speak next for a few moments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Madam President, I will be very brief, and I appreciate my colleague from Rhode Island permitting me to inject a few remarks at this time.

We are dealing with, of course, a very personal issue in matter of prayer. We are dealing with the issue of protecting religion and religious convictions.

I must say very frankly that I oppose all prescriptive prayer of any kind in public schools. Does that mean I am against prayer? No, it does not mean that at all. I am very strong in my belief in the efficacy of prayer. But I must say that there is no way this body or the Constitution or the President or the courts could ever abolish prayer in the public schools. That is an impossibility. I often use, somewhat facetiously, the example and experience of having prayed my way through every math course examination I ever took. I was not praying to the teacher. I was not praying to my fellow students. I was engaging in silent prayer to God, who I thought was more powerful than I and all the students put together.

All I am saying is that this can be very personal, and silent prayer is happening all the time. I am not sure that I know of anything in any of the great religions that requires audible prayer to validate the efficacy or the importance of prayer. I can pray silently, or I can pray verbally and audibly.

So I think we get ourselves into a great thicket of trying to prescribe parameters surrounding prayer in public schools. The Senator from Illinois asked the question: Whose prayers? I have also sometimes said facetiously, I do not have the time to write the prayers for the schools and I do not trust anybody else to write them. That is my religious heritage, always questioning ecclesiastical authority as well as political authority.

So I would like to say that prayer is being given everyday in public schools throughout this country—silent prayer, personal prayer that in no way

could we ever abolish even if we wanted to.

So I do not see any great crises about the right of prayer in public schools.

I also feel very strongly, Madam President, that when we begin to talk about personal prayer again, we should remember that it is a matter of free speech as well as freedom of religion. I happened to coauthor here on the Senate side the Equal Access Act legislation, coming from the Widmar case of the University of Missouri, where the university had provided access to facilities on the campus for students to voluntarily congregate in pursuing a common interest. But, when they wanted to get together for a Bible study, the university ruled against that; that was religion.

The Supreme Court very quickly handled that case by saying wherever the institution of learning gives a right to forum, they have no right to dictate the subject of the forum, and upheld the right of students to voluntarily gather themselves together for Bible study on that campus.

We took the same principle of the Widmar case, and we applied it to the secondary school system of this country under the Equal Access Act. If the school before or after hours provides an opportunity for students to voluntarily gather themselves using facilities of the school for a particular interest, for a camera club, music club or whatever it might be, those students should have the same right to gather themselves together for prayer or Bible study.

Now, that is a free speech issue, but like many of our freedoms it also correlates to the freedom of religion. I would like to see us move beyond and outside of this particular debate because I do not see the necessity for this Senate to take any action—any action—on the subject of school prayer. If there are those schools that are unfriendly to religious practices or free speech, then let that be handled through the individual communities and through the legal authorities in each of those communities with injunctions or whatever remedy may be issued by the court. We do not have to cut off funds to enforce court actions.

So I believe that the simplest and best way to deal with this subject is to take no action relating to school prayer. Let students continue to pray as they do now, silently as a undeniable personal right.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I commend the Senator from Oregon for his remarks. I completely agree with him. I do not think this is an area in which the Senate of the United States ought to be involved.

What I would like to do is just take a quick look, if I might, Madam President, at what this amendment does.

This is really a draconian amendment. What it says is that notwithstanding any provision of the law, no funds from the U.S. Department of Education—no funds for Head Start, no funds for chapter 1, no funds for literacy, no funds for anything that comes through the Department of Education—shall be available to any State or local educational agency which has a policy of effectively preventing participation in constitutionally protected prayer.

Now, the problem arises, Madam President, in determining exactly what constitutionally protected prayer is. It is a fuzzy area that is very difficult to define. Yet what this amendment will do is to put a tremendous burden on every local school department and every local school committee to try to figure out what that definition is.

In our State, we have 39 cities and towns and each one of them has a school committee, although in some instances, two towns combine to have one common high school, for example. But basically, I believe we have some 36 different school entities in our State. And under this amendment administrators at each one would have to try to figure out what is constitutionally protected prayer.

Now, we had a case come up on this, Madam President, in our State. At the Nathan Bishop Middle School—actually, that is the middle school that I went to—graduation a few years ago they had a benediction, and it was objected to. The matter was taken to the courts because nobody could figure out whether that graduation prayer was all right. Was it constitutional or was it not constitutional? Did it violate the first amendment or not?

The case was filed in June 1989. In January 1990, the district court, our district court in the State of Rhode Island, said that benediction violated the U.S. Constitution. So one court spoke. But then the case was appealed.

Six months later, in July 1991, it went to the First Circuit Court of Appeals up in Boston. Three judges sat on the case, and in the decision they split two to one, which is not a very clear signal. And there they said they agreed that, yes, the benediction was a violation. But with dogged determination the school board appealed to the U.S. Supreme Court. Now, this is getting fairly expensive by this stage. And in June 1992, the U.S. Supreme Court handed down its decision. After 4 years of litigation and three court rulings, they decided in a close 5 to 4 decision that, yes, that benediction did violate the Constitution of the United States.

The total cost to the city of Providence, which like many others is a community that is having difficulty properly funding its schools, was \$110,000. And actually I think they probably must have gotten some kind of break on legal fees to go all the way to the Supreme Court for \$110,000. That

was money which could well have been better spent not on lawyers, but on children's school books and school equipment.

So after all of this, the decision came down from the U.S. Supreme Court that the Nathan Bishop benediction was in violation of the Constitution. Now, what is my point? My point here, Madam President, is if the courts themselves have such trouble with defining constitutionally protected prayer, how is a school administrator to tell what is a constitutionally protected prayer in his or her public school? It is very, very difficult to tell. It is a murky area with no clear definition. Indeed, I would point out that we have a very prestigious First Circuit Court of Appeals, and yet even they divided on the subject.

Just to make it even more confusing, 6 months after this decision from the U.S. Supreme Court on the Nathan Bishop case, the fifth circuit came out with what seems to be a contradictory ruling. Now, obviously they do not think it is a contradiction. They probably think they are following the Supreme Court of the United States as they are duty bound to do. But nonetheless their decision only added to the confusion out there as to what is permissible under the Constitution and what is not.

Madam President, I think this is really going too far, to say that school administrators must now act as constitutional experts. They are meant to be running schools and educating children. And thank goodness that that is what they are meant to be doing. I hate to see them having to divert their time and energy into making calls on whether this one is a constitutionally protected prayer and that one is not, always knowing that if they make a call one way or the other, it is probably going to be appealed or taken to the courts—as happened at the Nathan Bishop Middle School.

So, Madam President, I think this is an amendment we should not have. I know it passed here earlier this year, and this amendment is substantially the same amendment as the one we voted on earlier. I can say I voted against it, and I am glad I did. However, it passed very substantially, and I think that was unfortunate. I hope everybody who voted for this amendment back in February of this year would think of the confusion that it will bring to our schools. Our public schools already are dealing with every kind of problem known to man. Why, they have guns in the corridors. They have children with drug problems. They have teenage pregnancy. All of these problems the administrators are trying to tackle while at the same time providing a good education for the youngsters in their charge.

On top of all these problems comes the question of constitutional school

prayer. Under this amendment not 1 cent from the Department of Education would be available to any school committee if it denies—even inadvertently—participation in constitutionally protected prayer.

In my State of Rhode Island, a small State with a total population of 1 million, we could lose a good amount of money. The total Federal funds for the State are \$60 million. I suspect that the city of Providence could be risking millions of dollars. That is very, very important money to that school system.

So, Madam President, I urge that my colleagues vote against this amendment. Frankly, I think we ought to stay out of this whole business of this body trying to dictate what takes place in school prayer in the various schools throughout our Nation.

I want to thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. LOTT] is recognized.

Mr. LOTT. Madam President, I rise to support the Helms amendment. I would like to begin by doing a couple of things; that is, by reading what we are actually talking about here.

First, I want to read the Helms amendment. Maybe it has already been read. It is worth listening to again. I want to emphasize that this is the same amendment we voted on earlier this year.

Notwithstanding any provision of law, no funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

I do not understand what is the great fear of that language. In that regard, I thought maybe we should read the Constitution, particularly the first amendment. We have different interpretations of it. But it is pretty clear:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

We seem to have forgotten the second part of that phrase, " * * * or prohibiting the free exercise thereof."

I know that there is disagreement. Any time you get two lawyers in a room, you have disagreement. So you have Constitution scholars, lawyers, and educators who will always get into great detail about what cannot be done and how it must be done. But the people out there in the real world just feel as if the opportunity for voluntary prayer is something they ought to have.

We are up here arguing all of the constitutional niceties. But those people

in the real world read the Constitution. They have heard what the Constitution says. They do not understand why we should not be able to have voluntary prayer in our schools.

The speeches you have heard from the Senator from Rhode Island and the Senator from Missouri are excellent, eloquent speeches. And others are going to speak.

I want to emphasize that everyone who has spoken against this amendment voted against it last time. I have the list. Every speaker opposed to the amendment was among the 22 who voted against it earlier this year; 75 U.S. Senators voted for this identical language the last time we voted on it.

Let me run through a little of the chronology of what has happened on this amendment. On February 3, 1994, the Senate voted 75 to 22 in favor of this language as a part of H.R. 1804, the Goals 2000 bill. On February 23, 1994, the House voted 367 to 55 to instruct the House conferees on the Goals 2000 bill to accept the school prayer amendment which had been approved in the Senate. On March 17, 1994, the House and Senate Goals 2000 conferees dropped this language and substituted really do-nothing language.

On March 21, 1994, the House voted 345 to 64 to add the language as an amendment to H.R. 6, the Elementary and Secondary Education Reauthorization Act. On March 23, the House voted 232 to 195 not to recommit the Goals 2000 bill and insist that it include the school prayer amendment. On March 25, the Senate voted 62 to 23, right before Easter, in a cloture vote to cut off the efforts by Senator HELMS to restore the original language.

So there is an interesting chronology. There are overwhelming votes repeatedly in the House and an overwhelming vote here in the Senate on this issue.

I want to go back and read something that I read last year. We are arguing over the niceties of what may be allowable or not; let me just read this to you.

Almighty God, we ask that you bless our parents, teachers, and country throughout this day. In your name, we pray. Amen.

Who does that horrify? Is there something wrong with that? That prayer was prayed by a young lady at Wingfield High School in Jackson, MS, last year on a voluntary basis by a vote of the students. They devised this language. She delivered it over the PA system. The principal, an African-American named Bishop Knox, was fired from his job because he allowed that prayer to be voluntarily developed by the students and presented over the PA system by a lady who I believe was president of the student body. And the principal was fired because he allowed it to happen.

That was clearly a mistake. Here you had a principal that was willing to

stand up for principle, for the students' rights, and he was fired in the process. As it turns out, after being out of work for about 6 months or so, a judge has now ordered that he be reinstated, and I presume he will be reinstated with back pay.

The argument was, "Well, you know, we are not certain what the law might provide. You just should not have allowed that to occur." Where have we come? What have we wrought in this country? We pray every day here in the Senate—every day. We do not prescribe the prayer. It might be a Greek Orthodox priest or a Baptist preacher or Jewish rabbi. But we have it every day.

Yet, our students in Wingfield High School in Jackson, MS, are told they cannot say that harmless prayer for their parents, their teachers, and their country. What are we doing here?

We say, "Oh, it is perfectly okay to have sex education." That goes way beyond anything I would ever approve of. It is all right to advocate condoms in the high schools. It is all right to have kids running up and down the halls carrying guns. It is not all right to try to get order and discipline in the schools.

The headlines in Mississippi newspapers earlier this year:

Seventh grader arrested after roaming halls with loaded pistol.

Philadelphia, MS, Central High School ninth grader shot a classmate moments after the two were told to stop arguing and go to class.

I am saying this is something not only in Washington or New York or California. It is right in my home. I am not saying there is a direct parallel between prayer in schools and these other events. But there is a curious coincidence of how things have changed since I was in high school in the late fifties, when we had prayer every day at the beginning of the school day over the PA system. It was a part of getting everybody to sit down and be still and get order, and get in the proper frame of mind.

I feel that from that moment to this, the quality of education, the discipline of education, the type of education, has all been going downhill.

So I think constitutional scholars can make great arguments about what can be allowed and what cannot be allowed. All I know is because of some court decisions that we had in the sixties, and occasionally since then, it is uncertain when you can have a prayer, what you can say in the prayer, or who can say it. The net result is that there is less of it. The schools basically cannot have it. And 4,000 students, on their own, demonstrated after that principal at Wingfield High was fired because he stood up for the students.

Do you know why it is important that we cut off funds? Because it is a violation of the Constitution when people are told that, in effect, they cannot

pray. If a school violates the Constitution and prohibits a prayer like the one I just read, then I do think serious action should be taken.

Mr. PACKWOOD. Madam President, will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. PACKWOOD. I supported the Helms amendment before. I may do so again, or I may not. It depends on the answers. I hope that I do not stop learning.

Who makes the decision as to whether or not the school board is prohibiting constitutionally protected prayer; the school district or the school principal?

Mr. LOTT. I presume that could be done when it is requested, when a matter is of concern and people raise questions with Federal officials, through the administration. If that is not satisfactory, I presume it would go to court like the current efforts to try to block prayer.

Mr. PACKWOOD. OK. Here is my question: A student, teacher, whatever, thinks they have a right to do a constitutionally protected prayer. It is an honest debated issue as to whether it is constitutionally protected or not. You are the principal. Do you say, "That is constitutionally protected, go ahead"? Is that the end of it? Or does somebody say, "The principal does not know what he is talking about, I am going to sue"? I want to know at what stage are funds cut off, when is a decision made, and does that decision become a decision upon which the funds can be cut off?

Mr. LOTT. I presume if that suit is filed and it goes to court and a ruling is made, it would be cut off. Or if an investigation is made by the administration, and a determination is made, then the funds would likely be cut off.

But think about it the other way around. Here is a principal that allowed a prayer to be offered, and he lost his job. That is when the decision was made.

Mr. PACKWOOD. I understand that. I agree that that was wrong. I am trying to find out who is going to make the decision. There was a famous cartoon in the New Yorker 10 or 15 years ago where there were two guys sitting in a bar, and the first says, "We ought to line them up against the wall and shoot them."

Mr. LOTT. Who makes the decision now?

Mr. PACKWOOD. The second person says "Who?" The third person says, "Commies, pinkos, radical libs." The second person says, "No, who ought to line them up and shoot them?"

I want to know who is going to make the decision that the prayer is not constitutionally protected? Are we going to have somebody in the Department of Education do it?

Mr. LOTT. We very well could have. I do not feel particularly comfortable

with the courts making that decision, but they may.

Mr. PACKWOOD. They may. I am wondering. I do not know if I feel more comfortable with the Department of Education making that decision.

Mr. LOTT. Somebody has to make that decision. I will tell you who I prefer make that decision: The students and the parents and the administrators at the local level are the ones who should make the decision.

Mr. PACKWOOD. As to whether it is constitutional.

Mr. LOTT. No, as to whether or not they want a prayer, or whether it is a voluntary prayer, or what goes into the prayer.

Mr. PACKWOOD. I have no quarrel with that. But you would not want them making the decision as to whether it was constitutional?

Mr. LOTT. Unfortunately, that would have to be made by the courts, or by the Department of Education, or some lawyer in the Department of Education. Again, that does not make me very comfortable, but there must be some process.

Mr. PACKWOOD. I agree. If the process is a court process—and for better or worse I would rather settle it there—should the money be cut off before the finality of the court process?

Mr. LOTT. I presume not. The determination has to be made.

Mr. PACKWOOD. Is that the distinction between the Helms amendment and the Kassebaum amendment?

Mr. LOTT. I emphasize this, too. I understand what the Senator from Kansas is trying to do, and I plan to vote for her amendment. I think we need to have the clarification she is trying to get in her amendment. But I do not think that prohibits the second-degree amendment from being offered and accepted at the same time. I think they basically support each other.

Mrs. KASSEBAUM. Madam President, I hesitate to interrupt, but I have a question.

Mr. LOTT. I will conclude, and I will yield the floor. I am sure we are going to have a lot more discussion, as we should, about exactly how this would work and who would make the determination. The determination has to be made at some point.

I reiterate what I said in the beginning. What we are talking about here is whether or not a prayer like the one I read can be offered:

Almighty God, we ask that You bless our parents, teachers, and country throughout the day. In Your name we pray. Amen.

That is all I am trying to accomplish. Do you have a better way to accomplish that and make sure it is allowed, without having the principal fired? I want to hear it. This amendment would allow it.

I yield the floor.

Mr. PACKWOOD. Madam President, I ask the Senator from North Carolina a

question in all seriousness. I am opposing the amendment of the Senator from Mississippi. The Senator knows I supported his amendment before. Who makes the decision?

Mr. HELMS. Who makes it now?

Mr. PACKWOOD. The courts.

Mr. HELMS. They would make it in this case if it ever came up. You might say: What are you going to do if 40 skunks go running through the Chamber? Who is going to stop them? What are you going to do about this or that?

The truth is that it is never going to come up because the principal will be freed of any reluctance to permit voluntary, constitutionally protected prayer.

Mr. PACKWOOD. If she knows what it is.

Mr. HELMS. He or she does not have to know what it is. If somebody does not like it, they challenge it. We put the shoe on the other foot.

Mr. PACKWOOD. I am curious. If a principal runs the risk and thinks to herself: I am not sure if this is constitutionally protected prayer, so I better allow it because my funds are going to be cut off. And she has to make the decision herself, as to whether funds are going to be cut off, and whether it is a constitutionally correct decision or not, she has to make it.

Mr. HELMS. So what? Is it the end of the world if you have some children pray?

Mr. PACKWOOD. No.

Mr. NICKLES. Regular order, Madam President.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. NICKLES. The rule of the Senate is that Senators will speak through the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. PACKWOOD. I ask unanimous consent to speak to the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. I want to make sure that the school principal is not put in a real Hobson's choice position.

Mr. HELMS. Do not lose any sleep over it, Senator. It is not going to happen.

Mr. PACKWOOD. I am not sure.

Mr. HELMS. Please worry about the Senator from Mississippi who is inspired for permitting it.

The PRESIDING OFFICER. The Chair advises the Senators to address the Chair rather than each other.

Mr. PACKWOOD. I asked unanimous consent to address him.

The PRESIDING OFFICER. That is correct, you did. However, you should address it through the Chair.

Mr. PACKWOOD. I realize that is the rule.

I ask unanimous consent that I might have a little colloquy with the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Thank you. You are the school principal, or I am the school principal. A student comes in, and they want to do a prayer. You are not sure if it is constitutional or not; you are not a constitutional expert. You are worried about arguing with the school board about money all the time. And you are afraid your money might be cut off if you prohibit a constitutionally protected prayer. Normally, that kind of a decision would not face a school administrator until a court had made a decision as to whether it is constitutional or not. It is unusual to put a school administrator in the position of losing his or her money ab initio, at the start, right now, if he makes the wrong decision. Unless you are saying that there really is no court review of this, you are going to lose your money now, and it does not matter what the court is saying later. This is confusing.

Mr. HELMS. Please be not confused. The amendment does not even imply that. I am saying to you that we put the shoe on the other foot and give the advantage to the principals who want to permit the school prayer but who are intimidated and do not permit it now under the present situation.

Mr. PACKWOOD. And we want to put the shoe on the other foot then, Madam President, by saying that they do not need to be intimidated. If they allow constitutionally impermissible prayer, the impermissible prayer will be allowed and the funding will continue until a court says no—if I understand it correctly.

Mr. HELMS. Is the Senator asking me a question?

Mr. PACKWOOD. Yes, because I am confused.

Mr. HELMS. Please note that there is a question mark there.

Mr. PACKWOOD. Yes.

Mr. HELMS. All right. The answer, of course, is that if you want to make legislative history, this thing will, of course, be decided—if such a farfetched scenario should occur—by the proper authorities, a judge, a Federal judge.

Mr. PACKWOOD. The money would not be cut off until the judge makes that decision.

Mr. HELMS. Of course not. It would be adjudicated.

Mr. PACKWOOD. That is important history. As I read the amendment, it is going to be cut off before the adjudication.

Mr. HELMS. How do you get that impression?

Mr. PACKWOOD. It says:

“* * * no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer * * *.”

If you are saying that the student wants to pray, the administrator says

no. No. The principal says, no, you cannot do that. That is constitutionally impermissible. The student says it is permissible. And the principal says it is not permissible. That money is not cut off until that is adjudicated by a court.

Mr. HELMS. How many times does the Senator think that case will happen?

Mr. PACKWOOD. I do not know.

Mr. HELMS. It will never happen. It will never happen.

May I answer his question?

The PRESIDING OFFICER. The Senator may.

Mr. HELMS. I thank the Chair.

The school principal is in the position now that if he makes the wrong decision, there comes the American Civil Liberties Union with the threat to take him to court and the principal will lose hundreds of thousands of dollars in school funds defending against the lawsuit.

Mr. PACKWOOD. But he will lose—

Mr. HELMS. I say it is a matter of the shoe being on the other foot. Now, the ACLU's threat of thousands of dollars in litigation expenses means that school principals almost always say no to school prayer even if it might be constitutionally permissible. My amendment balances the ACLU's threats by saying if the school principal automatically decides against constitutionally permitted prayer, the school could lose thousands of dollars in Federal funds. That is the intent of my amendment, to make school officials stop automatically capitulating to the ACLU's threats.

Mr. LOTT. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. PACKWOOD. I am happy to yield to the Senator from Mississippi, yes.

Mr. LOTT. He also runs the risk of losing his job. This is the point I am trying to make. Again, we are trying to shift the burden. Now all the pressure is not on allowing prayer.

Mr. PACKWOOD. Yes.

Mr. LOTT. We would like the emphasis to be the other way where the principal would think: “Look, the students want this prayer. I am going to allow it to go forward. And if someone does bring legal action, then so be it.”

But now all the pressure is the other way. The pressure is against allowing prayer.

Mr. PACKWOOD. Here is what I want to make sure.

Mr. LOTT. It is possible for permission to go the other way.

Mr. PACKWOOD. I want to make sure that no funds are going to be cut off until this is adjudicated. The fact that the principal says go ahead with the prayer and a lawsuit is brought, or a Department of Education person makes a decision you made a wrong decision, “We are cutting off your funds,”

that will not happen. The principal can opt on the side of the prayer in school. In the long run, it may be found to be unconstitutional, but the principal opts on the side of the prayer. They do not lose any money.

Mr. LOTT. Right.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PACKWOOD. I yield the floor.

Mrs. KASSEBAUM. I would just like to ask the Senator from Oregon a question. Did he not just make the case for my amendment, because under my amendment, funds will be cut off only when a willful violation is found?

Mr. PACKWOOD. That is what I thought.

I did not know whether I was making the case for the Senator's amendment or not, because I thought initially, as I understood the amendment of the Senator from North Carolina, that the funds could be cut off before there is any judicial determination.

The Senator's amendment says, in essence, you are reaching the same substance as he is on permissible prayer. You are in favor of permissible prayer. You do not want the school to run the risk of losing any money until the court says it is permissible or not permissible. It sounds like they are saying the same thing, but I am not sure.

Mrs. KASSEBAUM. I thank the Senator from Oregon.

I do think he makes a point that there is a difference, because my language requires that funds be cut off only if there is a willful violation. Schools would not lose money if the schools followed the court's ruling and corrected the situation.

So I thank the Chair. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Madam President, I think that the answer to the point that was made by Senator PACKWOOD is clear. The answer is that under our Constitution, courts only can adjudicate real cases in controversies. Courts cannot, under our Constitution, give advice or opinions about some future state of affairs. They adjudicate cases. Cases are brought under sets of circumstances under complaints that are filed, stating certain facts that have already occurred, not asking for advice as to the future.

So the only way that the Helms amendment can be read, is that a set of facts would occur and that the principal would have to guess as to whether those facts are constitutional or not constitutional.

The way that this would come up in the real world is that students would ask to participate in some sort of prayer event. And the concern of the principal or the superintendent of that school district would be, “Am I going to lose money?” Any close call would

be resolved in favor of letting the prayer go forward because otherwise the fear would be, "I am going to lose my money." And maybe the principal would not want to do that.

The Senator from Mississippi said he thought that this should be decided in the individual school districts. The fact of the matter is that this amendment is a Federal mandate. It is absolutely the typical Federal mandate. It says:

Do things our way or you lose your money, not after a court decides at some later event. You lose your money now.

That is the way a principal would have to decide it. Let us say that the principal is in a school district which is poor. In fact, the principal in question would be in a poor school district because poor school districts are the ones that get Government money, not the rich school districts. These are poor school districts. They probably do not have a wealth of legal talent to draw on. They probably cannot pick up the phone and call the leading law firm.

So the principal or the superintendent is going to have to make a decision, not based perhaps on great constitutional analysis.

The principal might decide, "Well, if I had my own call, I would not want to have prayer going on in my school."

Let us say that this is not only a poor school district, which it almost certainly would be, but let us say that this happens to be a school where all hell has broken loose. Let us say that this is a school where there are gangs. Let us say that exactly the set of circumstances postulated by the Senator from Mississippi is the case in this school district. Kids hate each other. They carry guns to school, if they can get into school with guns. This is a violent type of situation. And let us say that there are some Protestant kids and some Catholic kids or some Christian kids and some Jewish kids, and they do not like each other. And the principal says, "I would just as soon not have religion break out in this fashion in my school."

Some of the kids will say, "Well, we want to have a classroom," or "We want to use the PA system to have our prayers. And the principal says: I really do not want that to happen. But I know what I cannot do. I cannot make a decision that risks losing my money, not in this poor school district. I cannot risk having my money turned off."

So the answer is: Go right ahead. Go right ahead and do it, not because I think it is a great idea, but because word has come down from on high that I must do it this way.

Word from on high. Not, Madam President, from the heavens, but from the next level of on-highness, Washington, DC. The Congress of the United States has conditioned your Federal funds yet again on doing things our way.

We have made the decision. We have heard it on the floor of the Senate.

What is wrong with school prayer, we say? We are Senators. We have the answers. Oh, do not bother us, Madam Principal in Joplin, MO, or in Greenville, MS. Please do not bother us with your opinion on this. We have made the decision, and the decision is, "Why, prayer is good."

Madam President, obviously I believe that prayer is good. But I also believe that the very root for the word religion is the same root for the word ligament—it is what binds things together. But, unfortunately, in practice, religion is not necessarily what binds things together. Religion is often the cause of driving things apart. And it is true all over the world. We had the King of Jordan and the Prime Minister of Israel here in the Capitol yesterday. What is all that about?

Or how about Northern Ireland, where Protestants and Catholics kill each other and people bomb school buses?

Religion, unfortunately, can be that which drives people apart. And the great challenge in this diverse country is not to figure out new ways to drive people apart. It is to figure out how to hold people together.

There are religious schools and they are wonderful schools. They are all over the country. People know what they are getting when they go to religious schools. But if it is not a religious school, the insertion of religion can drive people apart and create a lot of damage.

The Senator from Mississippi read a prayer that was read in Mississippi. Was that a bad prayer?

Quite frankly, it was not much of anything. It was kind of bland and innocuous. So what is so great about it? Are we saying, "Well, what's wrong with religion, because, hey, here is a prayer that is bland and innocuous? We like innocuous prayers. Innocuous prayers are good. They cannot do any harm. They are bland. Who can take offense at something bland?"

A lot of religious people would say, "Well, that is not much of a prayer."

But when I think about this debate, I think about something that was not very bland. I did not think about it at the time, but when I was growing up I went to a private school in St. Louis. It was not a church school. It was just a private school. We had what we call chapel, but it was not really chapel. It was just sort of announcements and somebody would make a speech or something.

But we would always start chapel with a hymn and a prayer. And the most popular hymn that we sang in that chapel was "Holy, Holy, Holy." "Holy, Holy, Holy" is a great Christian hymn. "Holy, holy, holy, Lord God Almighty! Early in the morning our song shall rise to Thee," and so on.

And there is a line in it, "God in Three Persons, blessed Trinity." "God

in Three Persons, blessed Trinity." Seemed OK to me.

But there were Jewish kids in that school. There were Jewish kids in that school. And I think about that after the fact, and I think, What were we doing? What were we up to? Were we so insensitive about those kids that we sang that hymn?

Religion is supposed to draw people together but, in the real world, it can drive people apart. And in the real world, things are falling apart as it is. In the real world, we have Farrakhan. In the real world, we have people who paint swastikas on synagogues. In the real world, we have racism. In the real world, we have people going every which way.

And the great genius and the great challenge of this country is to keep that world from fracturing beyond all recognition. We are not going to do that if we have people uttering prayers in public schools.

Senator CHAFEE asked, "What is the definition of constitutionally protected prayer?" Those are the words used in this amendment—"constitutionally protected prayer." What does it mean?

There is no manual on this. A principal cannot turn to a manual and say, "Oh, constitutionally protected prayer. Well, I've looked it up. That is not permissible." Principals cannot do that. It is a very, very fuzzy situation.

Try to figure it out. Call the finest law firm and try to figure it out, much less ask a principal what is constitutionally protected prayer.

How is the principal supposed to know the answer to that question—is this constitutionally protected or is it not constitutionally protected?

So a student comes into the principal's door and says, "I want to use the PA system." Is that constitutionally protected?

We have had votes in the Senate about whether Jewish soldiers can wear yarmulkes. I did not think they should, because I think that there has to be a degree of uniformity in the armed services.

But is it constitutionally protected to wear a yarmulke?

Would it be constitutionally protected if somebody said, "My religion requires public testimonials. In exercising my religion, I believe in public testimonials. I have a constitutional right to do it." Is that constitutionally protected?

"You decide, Madam Principal or Mr. Superintendent, but you better decide in favor of constitutionality, because if you decided wrong and it is later adjudicated, too bad. You are in the poorhouse. You have guessed wrong. Close your doors."

This is not simply a matter of making things even in this question. This is a Government mandate—"Do it our way or lose money."

Government mandates do not make things even. Government mandates are

designed to require some actions. And this particular Government mandate is designed to open up school prayer, particularly in poor school districts. This is not innocuous. It is not an innocuous amendment. It is a bad amendment. It is a pernicious amendment. It is a harmful amendment.

Please, let no Senator come to the floor and say, "This is innocuous. What's wrong with a little prayer?"

It is a Government mandate. It is a Government mandate that will be obeyed. It is a Government mandate that will take decision making out of the hands of the local public school officials. And it is a Government mandate that may well cause more fracturing, more divisiveness, more problems, not less in our public schools.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER (Mr. SIMON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Missouri for that extraordinary presentation. Regrettably, Senator DANFORTH will not be with us next year and it may be that an amendment like this one will be offered again next year. It will be a surprise if it were not. And we will miss Senator DANFORTH for many reasons, but none more important than for the kind of presentation he has just made.

I came early in the debate this afternoon and decided to stay and hear the arguments presented. There will soon be a time agreement, so I sought recognition now to make a few comments. But there is not a great deal more to be said on the basic approach and the importance of not having a government engaged in the establishment of religion than what Senator DANFORTH has already said.

It is the very first line of the very first amendment to the U.S. Constitution, "Congress shall make no law respecting an establishment of religion. * * *". That now applies to the States as well. And Senator DANFORTH has outlined the reasons why it is important that there not be religion in the schools, which makes arguments just as it has made wars, as the references which the Senator from Missouri made to the enormously impressive ceremony in the Capitol yesterday when Israel's Prime Minister Rabin was present with Jordan's King Hussein to make peace. And the purpose of eliminating religion in our schools, eliminating the establishment of religion by the Federal or State government, is to promote tolerance, to recognize diversity in America, and to respect that diversity.

The Statistical Abstract of the United States, based on the U.S. census, reports that 19 percent of the people in America are not Christian. There are some who talk about America being a Christian nation, but that just does not bear up under the statistics. Americans

belong to other religions, or they do not subscribe to any of the Christian religions, so that about 50 million people in this country do not subscribe to the proposition that there is a Christian nation here.

When Senator DANFORTH talked about prayers in the private school that he went to, which were insensitive to minorities, it reminded me of when I went to school in Wichita, KS, and heard school prayers when I was in the first grade, as I was on the other end of the line from what Senator DANFORTH describes.

We have fought the issue of a constitutional amendment for school prayer, and it has been defeated in the U.S. Senate. I recall, in 1983, having that discussion with President Reagan, about what went on in schools in Illinois when he was in public schools and I was a youngster in public schools in Wichita, KS. We have moved to the point where the constitutional principle is firmly established, that there are severe limits as to school prayer.

I think the discussion this afternoon has been of a very high level, almost uniformly. There has been a recognition by all of those who have spoken that there is a constitutional doctrine of separation of church and State. I think it is important that be recognized, as it has been recognized on the Senate floor today, because there are some in America who say that there is no constitutional doctrine of separation of church and State. There are some who say that it is a lie that there is a constitutional doctrine of the separation of church and State, that it is a lie of the left that there is a separation of church and State in America.

There is no doubt about the constitutional doctrine of separation of church and State, and the Supreme Court's having made that clear by upholding Jefferson's statement that a wall of separation exists between church and State. It is a matter we often inquire into in some detail as, for example, during the confirmation hearings of Judge Breyer.

It may be that there is not a great deal of difference between the amendment by the Senator from Kansas and the second-degree amendment by the Senator from North Carolina, as the conversation, as the dialog has evolved where there have been statements by a number of Senators—the Senator from Mississippi, the Senator from North Carolina—that it would take a judicial determination to know what is constitutionally permissible. But who knows what the Supreme Court across the green will do if they do not look to legislative intent and do not pay any attention to what the CONGRESSIONAL RECORD says for July 27, 1994? That is why I think the amendment offered by the Senator from Kansas is by far the more preferable.

I voted against the amendment offered by the Senator from North Caro-

lina back on February 3 of this year, and I did so because of my judgment that it was just not possible to tell what was constitutionally protected prayer. That is why I came over this afternoon, to comment about it in terms of a number of the cases which have been decided by the Federal courts after the Supreme Court handed down *Lee versus Weisman*, which left some latitude, perhaps, for prayer in school.

There was a case in the Court of Appeals for the Fifth Circuit, which upheld a school board resolution which provided that:

The use of an invocation and/or benediction at high school graduation exercise shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class principal; the invocation or benediction, if used, shall be given by a student volunteer; and consistent with the principle of equal liberty of conscience, the invocation and benediction shall be nonsectarian and nonproselytizing in nature.

There was an opposite decision reached by the Court of Appeals for the Third Circuit.

The fifth circuit decision is *Jones versus Clear Creek Independent School District*. An opposite decision was reached by the Court of Appeals for the Third Circuit in *ACLU versus Blackhorse Pike Regional Board of Education*.

Similarly, opposite decisions have been reached by the U.S. District Court for the District of Idaho in a case captioned *Harris versus Joint School District*, in which that Federal court said that it was permissible to have a prayer where the senior students themselves, not the principal, determined every element of their graduation including whether or not a prayer would be a part of the ceremony, and if so who will say it. About the same kind of situation was turned down by the U.S. District Court in the Eastern District of Virginia in a case captioned *Gearon versus Loudoun County School Board*, where the court said that it was not sufficient to pass constitutional muster to have the prayer delivered by students, when they were student initiated, student written, and student delivered.

So there is no easy definition as to what is constitutionally protected prayer. That is so because the Supreme Court of the United States said, in *Lee versus Weisman*, "Our establishment clause jurisprudence remains a delicate and fact-sensitive one," which depends upon what the facts are in order to make a determination because of the delicacy of the judgment under the establishment clause.

So it seems to me that it is important for the Senate to recognize the constitutional doctrine of separation of church and State. I think that has been done either explicitly or implicitly by every Senator who has spoken here

this afternoon. And if we are to have a cutoff of public funds, it ought to be in accordance with our customary way of deciding disputes, when there is a judicial decision. That is the way we operate in the United States. That is why it is my view the amendment by the Senator from Kansas is preferable to the amendment by the Senator from North Carolina.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, as has been the case with the Senator from Pennsylvania, I think it appropriate to begin remarks in this connection with a reading of the first part of the first amendment to the Constitution. It says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *.

In other words, in the Constitution there are two balanced provisions on religion in public life or with respect to laws which we pass: One on establishment, prohibiting such an establishment; and one on any kind of law which prohibits the free exercise of religion.

It has been my conclusion over a number of years that the Supreme Court of the United States has not adequately or properly balanced these two considerations; that it has been so fierce in enforcing the establishment clause that it, for all practical purposes, at least within a school context and, to a certain extent, within a broader set of public context, has read out of the Constitution the free exercise clause itself.

It is so exalted and expanded in its reading of the free exercise clause that we have reached the point at which religious speech of any kind is almost totally prohibited in a school context.

Many of the recent decisions of the courts have not involved prayer. It has for so long been accepted that the Constitution of the United States prohibits any formal school-sponsored prayer that we move well beyond that to the context of speeches by students at school events, graduation ceremonies, prayers led by the members of a football team before a football game, that most schools now, in attempting to follow the Constitution, will say that the rights of free speech simply do not exist in schools in a religious context.

Most schools, encouraged by some courts, will not allow a student valedictory address which speaks to the religious faith of the individual student making that address. They question whether or not in a speech class, in a class in a school at which students are required to speak about themselves and the factors that motivated their lives, whether they can speak to religion. They can speak to their political opinions, to their opinions on a wide range of social questions and issues, but in

many schools, they would be prohibited from reading a paper on the influence of organized or other religion in their own lives.

This I find troubling. This I criticize in the direction and the impact of the decisions of the Supreme Court of the United States. But in this respect, I recognize that they, not I, not we collectively, are the final readers, the final authority on what the Constitution means.

Beginning with that context, I get to my listening to the debate here, and we have listened to a parade of horrors. We have listened to the proposition that a school district threatened potentially with the loss of funds will not be able to deny the student the right to grab the student microphone and give a sermon in the morning to all the other students whether they like it or not.

Mr. President, does the other part of the first amendment, the free speech part of the first amendment, guarantee to the student the right to grab that microphone in the morning at school and read a speech as to why he wants students and the teachers to vote for Republican candidates in the next election? Or make any other speech? Well, of course, it does not. That is not a right guaranteed by the first amendment's freedom of speech, and it clearly is not a constitutionally protected right under this amendment, as awkwardly or as clearly as it may be drawn.

If this amendment, guaranteeing the right to engage in constitutionally protected religious activities, is unclear and fraught with danger in the schools, so equally is the balance of the first amendment with respect to anything else a student or teacher wishes to say.

The practical answer is that school authorities do not have to guess in this connection, and in 99 cases out of 100, the answer will be extremely clear.

It is highly doubtful that in this or any other administration funds will be cut off except with respect to obvious bad faith in decisions that are made in this connection.

This Senator, though he is speaking on this subject, must say that he does not believe that prayer, whether institutionally formulated or as a result of a volunteer statement by an individual student, is likely to do much for the character and development of other students. Nor does he think that it is likely, when it is completely a spontaneous student activity, to be any more controversial with other students than our statements on politics or about sex or about next Saturday night or a social event in the schools. The danger that individualized activity of this sort is going to be overwhelmingly divisive seems to this Senator not to be seriously subject to consideration, except perhaps in debate on the floor of the U.S. Senate.

So I do not know that even if the practice of schools were to be changed

by the adoption of the Helms amendment that it would have much impact on the schools, and I do not think practices in the schools are likely to be very much changed by this amendment, aimed as it is at prayer rather than at speech in general.

But I must say, with all respect for my usual seatmate and friend, the distinguished junior Senator from Kansas, I think that her amendment is, for all practical purposes, totally meaningless because her amendment deals with the subject of school prayer only after a court has already ordered that it is constitutional and must be permitted. Under those circumstances, every school district subject to such an order is going to permit whatever that activity is. I do not know why we have to take their money away from them under those circumstances. They are not going to be violating the law after a district court orders them to permit a certain kind of activity.

So either the amendment of the Senator from Kansas is meaningless because it is not going to change activities anywhere, or it is actually destructive because it will take money away from schools, perhaps retroactively, when they will obviously abide by the decision of the court in any event.

What is the answer to this question? I think the answer to this question is that schools inhibited by many of these Supreme Court decisions are much more likely to deny the constitutional right of individuals to freely exercise their religion, however that may be defined by the courts, than they are to establish a religion in their schools. They are far more likely to err on the side of saying you cannot say this, you cannot do this and thus to violate the free exercise clause than they are to say, "Oh, go ahead, we'll sponsor something which will ultimately be found to be a violation of the establishment clause."

So I guess I reach this conclusion: Even though I do not think that the Helms amendment will change very much in its present form, and even though I have serious questions about whether or not the Kassebaum amendment is positively negative, destructive, I intend to vote for both of them, with the hope that, unlike the situation in the conference committee on Goals 2000 where this subject was summarily dismissed without even really being discussed in the conference committee itself, that the adoption of both of these will motivate both the Senator from Massachusetts and the Senator from Kansas to come up with a proposal that is meaningful with respect to the free-exercise clause and which gives some guidance to schools that they ought to promote the free-exercise to exactly the same extent that they should prevent the establishment and perhaps go beyond the narrow word

"prayer" to what, in a pluralistic society, even school kids ought to be allowed to discuss and to speak about their own attitudes toward it as a constructive part of their education.

I have not written such an amendment. I am not exactly sure how such an amendment should be cast. But I do think if we simply reject the Helms amendment, we have just for another year said this does not matter, this does not matter at all. And I believe it does matter. I believe this body ought to be seriously considering the relationship in a school context of the establishment clause and of the free exercise clause, and I think we ought to be encouraging school districts to give equal attention to both probably without the kind of penalties that are included in both of these amendments. But if we defeat either or both of them, this issue is just going to go away. If we pass both of them, this is an issue that they are going to have to seriously consider, get good constitutional advice about—and they can get that if they are in a poor school district—and come up with something that actually helps the situation rather than destroys it.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator GORTON, for an excellent speech. I just wish that our colleagues had listened to that speech. I think he was right on target.

He talked about the Supreme Court, and he has a great deal of knowledge and legal wisdom in dealing with the Court. But he talked about the emphasis on the first amendment and I would say the overemphasis on the first amendment of the Supreme Court in past cases dealing with the establishment clause.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. Senator GORTON just very plainly said they have had all of their decisions weighted toward the establishment of religion and basically ignored the free exercise clause of the first amendment.

I find that to be very regrettable. We have heard a couple of colleagues mention the Lee versus Weisman case.

Mr. President, I did something kind of unusual—I do it once or twice a year. I visit the Supreme Court when there is a case of real interest—I sat in on the arguments on Lee versus Weisman. I found it to be very interesting. I also was kind of optimistic. Some people talk about this conservative Court appointed, some of the members, by President Reagan and President Bush, that maybe they are going to make for a different result than what we have had in some of these other prayer-in-school cases, and I was hope-

ful that they would. I thought they weighted all their decisions on the establishment clause. Now maybe they would have a little attention towards free exercise.

The Lee versus Weisman case, if my memory serves me correctly, was about a rabbi in a school district in Rhode Island who gave a prayer at a commencement exercise. Just for the purposes of making everyone familiar with his prayer—he basically gave two prayers, Rabbi Gutterman—I will read his prayer.

God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank you. May these young men and women grow up to enrich it. For the liberty of America we thank you. May these new graduates grow up to guard it. For the political process of America in which all citizens may participate before its court systems, where all can seek justice, we thank you. May those we honor this morning always turn to it in trust. For the destiny of America we thank you. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope of the future be richly fulfilled. Amen.

He also gave the benediction that was very similar. I read this prayer, and I read the benediction, and I fail to see how that injures anyone in this country, regardless of their religious affiliation, regardless if they have religious affiliation. I just have a hard time seeing how this prayer could be declared unconstitutional. How have we offended the young people? How have we hurt them? Have we established religion by allowing a rabbi to give a prayer at a commencement exercise? I do not think so. Do we hurt or hinder kids by saying we are going to prohibit prayer? I think there is a real danger there. We are basically telling them in a public institution we think that it is wrong for you to pray.

That is the signal that is being sent. I would venture to say that all of our colleagues have made commencement addresses. I wonder at how many of those commencement exercises there was a prayer. I know when I used to give them years ago they always did. And now more and more schools—and not just high schools, but also colleges and universities, more and more now schools will avoid a prayer.

You ask them why. They say, well, we are afraid we might be involved in litigation. Or we received a letter from the American Civil Liberties Union that advised us that if we had a prayer, be ready to go to court. And although we wanted to have one and although we have had prayer for the last 40 years, we decided we really could not afford the potential litigation, and therefore the board decided we better pass. And we did not want to offend anybody. We did not want any trouble. And we said what good does it do any way because prayers are pretty secular? We try to

make the prayer, we ask whoever is giving the prayer to make sure they do not offend anybody, so they probably do not do much good any way. So we decided maybe we should not say it. And they decided maybe we should expand that because—I will tell you, in my State, where we have a lot of football games, and Illinois and Kansas basketball games, we always had a prayer before the high school games. A lot of the high schools are now saying we cannot have a prayer. Why? Because they are afraid of litigation. Usually, those prayers would say, "Hey, God bless"—they would not say "Hey." They would say, "God bless these athletes. We want them to be safe. We want to have a good energetic encounter. We want to be friends. We want to be sports." But now those prayers in a lot of places are not given.

I might mention the Lee versus Weisman decision dealt with a commencement exercise of a middle school, not of a high school, not of a university, and not at an athletic event. These are clearly voluntary enterprises and, in my opinion, in no way is it prohibited by the Lee versus Weisman decision. That is an overinterpretation or an expansion of the decision that, in my opinion, is a serious mistake.

I might also mention the Lee versus Weisman decision was decided on a 5-to-4 basis. It was a close decision as the Court interpreted it—I think an incorrect one.

Now, maybe I am wrong. But I think again a little too much attention on the focus of the establishment clause and still ignoring or not paying enough attention to the free exercise clause, as Senator GORTON alluded to. So I compliment Senator GORTON for his statement. I would just encourage people not to overinterpret what the Court has said.

I think a lot of people, when they say, well, the Supreme Court has allowed prayer in school, are even making a mistake when they say that. Senator Helms alluded to the Supreme Court case, 1962 case, where one Madalyn O'Hair said we do not want to have prayer in school. And if my memory serves me correctly, I think it was in New York, and I think that was a State-prescribed prayer. Some people are alluding to the Helms amendment as this is a State-prescribed prayer, and that is not the case. They ought to read the amendment because the amendment does not say that there will be a state-prescribed prayer.

It does not say that there would be one by any legislative body. It says it be on a voluntary basis and neither the United States nor any State nor any local education agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in public schools.

We do not want bureaucrats writing prayers. I believe that is very important. It also says it is voluntary. I heard my good friend, and I compliment him. And I would certainly concur with Senator SPECTER's statement, Senator DANFORTH made an excellent speech. I do not agree with his conclusion, but I very much appreciate his input and certainly he will be missed in this body.

My friend and colleague, Senator DANFORTH, said that this is a mandate. And if this language is passed, we are going to be mandating that the States will do this.

I do not agree with his conclusion. If you want to look at a mandate, let us look at the bill. There are 900-some pages, and for the most part we are telling schools how to run. We are telling schools how money should be spent. We are telling the schools all kinds of things in the bill that is about 900 new pages of language. There are a lot of things in here where we are telling schools what to do. But what we would like to do is at least allow or change the burden where school districts right now are saying, well, we are so afraid of litigation, we are telling our kids that they just cannot utter the name of God in school unless maybe it is made in vain, and maybe that is protected speech.

We have in our schools now a deplorable situation.

Senator GORTON is going to have an amendment later dealing with school violence. I think maybe it would help to try to solve some of that problem. But schools have no question deteriorated substantially in the last two or three decades. There is a lot more violence. There are a lot more problems that our young people are dealing with today in schools than anyone in this body ever dealt with. I know a lot of the parents are wrestling with some of those problems. There are a lot more drugs. There is a lot more violence. Would allowing voluntary prayer in school hurt?

There are other things going on in school that this Government, and some people in this administration particularly, are pushing, dealing with sex education, dealing with condom distribution, and so on. A lot of us think that is the wrong direction. And, yet, will we not at the least allow the schools or the kids to have voluntary prayer in school? Maybe the penalties are too harsh. They will cut off all funds. Maybe. But I might mention, I know Senator KENNEDY is going to be taking this bill to conference, and I know he is going to drop this amendment. He dropped it last year. He is going to drop it again, no matter by how large a vote it passes, if it passes. I do not know whether it will or not, whether it be the Helms amendment or the Kassebaum amendment.

But I expect that this is the last time we are going to see it. This amendment

will probably be dropped off on the way through the Rotunda.

But I think it is an important issue. Maybe the penalties are correct. Maybe we should come up with a different penalty. Maybe we should just pass a law that reinterprets the first amendment saying to school districts: Do not prohibit the free exercise of religion; Federal Government, do not prohibit the free exercise of religion. Are we erring more on the other side?

Right now, schools and public facilities are so afraid they might be taken to court or have some potential litigation that they are afraid to utter the name of God unless it is in vain. I think that is a serious problem. When you have the Supreme Court of the United States saying that Rabbi Guterman's prayer is unconstitutional, there is something wrong. There is something seriously, seriously wrong.

So I want to compliment the Senator from North Carolina for his attempt to try to send a signal. I also compliment the Senator from Kansas. I think her amendment, while not as good as Senator HELMS' amendment, is better than nothing. I hope that we will send some signal. I hope the courts, I hope Congress, will look at protecting the free exercise of religion.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, it is with some reluctance that I enter into this debate. But it appears very clear to me that we need to try to clarify just what we are talking about here, and what the big distinctions are between the Kassebaum approach and the Helms approach.

We are talking about two different groups, and the question is who should be protected, how should they be protected, and under what circumstances? You have on the one hand that person or group of persons who desire to utilize the schools for prayer. Certainly, that is a noble cause. Then, on the other hand, you have those who are concerned about their children being exposed to religious beliefs that are not their own; who have enough problems with adjustment to their own peers by having these different views.

We have a structure set up now which tries to balance the interests of all of those parties. In this case, if we look at what we are trying to do with these amendments, it is oriented toward protecting those who desire to have prayer in the school. That may get you into several different circumstances. Certainly, if the prayer is to be one which is reflective of a majority of religious beliefs, it may well be easy to have it done. However, if it is not, if it expresses the views of a religion followed by a small minority in the community, then it likely would be difficult.

If you take a look at the Kassebaum amendment, it is rather the traditional, structured approach. It says that if you are abridged of your rights to make a constitutionally protected prayer in the schools, you can go to court. The court can come back, and if they agree with you, they will order the school authorities to cease and desist from allowing you to engage in that prayer. In addition to the other remedies available, probably to ensure better compliance, it states that they may—and I emphasize may—also deny the offending school district the use of all Federal funds derived through the Department of Education.

The Helms amendment takes a quite different approach, and loads the deck very much against the individual who desires to have their child protected from having a religion forced upon them in school. Let us take the realistic kinds of situations we will be talking about here.

You take a small town. They have a school board. It is 90 percent, or 99 percent, Protestant. They have one Catholic or one Jew, or one other religion there. So the parents decide among themselves, "Let us go and get the prayer in the school. We have a law now which says that, in the event the school board denies us the opportunity to make a constitutionally protected prayer, they are going to lose all their Federal funds."

"Shall" is the word in the Helms amendment. They "shall" lose all of their Federal funds—not just the ones under this bill, but all of their Federal funds.

So what is the school board faced with there, whether they are for or against prayer as a matter of policy? Under the Helms amendment, most likely, the school board says, "Hey, this is a heads we win, tails you lose situation. We will just sit back and let things go, if they want prayer, let them pray. If nobody opposes this, fine, we are in the clear and the Federal funds will continue to flow."

Well, who is going to oppose it? Some individual in the school and in the community who feels that the prayer activity will abridge their rights. What are they faced with? Well, if they persuade the school board not to allow the prayer, the board is placed at risk of losing all their funds—shall lose them is what the amendment says. You can well imagine that the voices of dissent, those who are perhaps a minority in number, will be hard pressed to rise up against that kind of pressure. And it is unlikely that many would have the desire to do so.

So if they go to court and they win, they will be run out of town on a rail because they have caused the school to lose all of their funds. If they lose, they have lost all of the pressures—and the money—of trying to do it. But on the other side, those that are desirous of

putting school prayer in have a huge weapon to protect them from lawsuits.

It raises not only the question of whether or not there is constitutionally protected prayer denied, but there is also the question of who makes the decision. I suppose you can battle that in the courts. Was it a reasonable decision, whether by the school board, or by the State agency, or by the Federal agencies? Who is it that decides whether or not it was a constitutionally protected prayer? So you have to go through administrative proceedings first, and then to the courts. What do you do?

But it seems to me that the purpose here is obviously to load the scales so much in favor of those who desire to do so—which is contrary to the Constitution, which is primarily there to protect the rights of the minority—that you cast an incredible burden upon anybody that wants to protest the law to be made by this amendment in order to protect themselves. What it will mean is that the odds of people being able to protect themselves from the abuse of the establishment of religion will end up with really no effective remedy at all as to what they feel they could possibly do without huge detriment to their own situation.

So I think it is clear that the Kassebaum amendment, which we understand relies on traditional procedures of judicial resolution of the critical question, adds an additional remedy of the loss of funds, which is an appropriate and proper one, to protect those who desire to make constitutionally protected prayer in schools; whereas the Helms amendment really provides almost a sham, or almost a veil of protection to those who want to abuse the rights of the minority, and to be able to hide behind the threat of the loss of all their school funds and to argue against those who would like to protect the right.

So I urge my colleagues to vote against the Helms amendment and to support the Kassebaum amendment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to support the amendment offered by my good friend and colleague, Senator HELMS. I commend Senators LOTT, GORTON, and NICKLES for their fine statements of support. This amendment requires that no funds from the Department of Education go to a State education agency or a local education agency which has a policy against constitutionally protected prayer.

Senator HELMS offered this amendment to S. 1150, the "Goals 2000, Educate America Act". This amendment was adopted in the Senate by a vote of 75 to 22. However, the House-Senate

conference on "Goals 2000", in a hasty manner, adopted so-called compromise language on the Helms amendment which completely missed the mark of the original Senate position. Hopefully, this action will not stand and the Senate now has an opportunity to reiterate its position on voluntary prayer in public schools. This amendment has received strong support from our colleagues on both sides of the aisle and is important to our Nation.

Until the Supreme Court ruled in the Engel and Abington school district decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without Government interference or restraint. In their wisdom, they recognized that true religious liberty precluded the Government from forcing or preventing worship.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a Nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a Nation "under God." Our currency is inscribed with the motto, "In God We Trust."

Every morning we open the Senate and begin our work day with the comfort and stimulus of voluntary prayer—such a practice has been recently upheld as constitutional by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools.

Mr. President, there is much discussion across this Nation on the breakdown of values and morality. There are concerns of violence in schools threatening the safety of teachers and students alike and undermining a sound learning environment. Of course, school prayer is not the panacea to end all problems, but I am confident that it will considerably add to the well-being and character development of America's children.

This amendment enjoys the support of an overwhelming number of Americans, and I strongly urge my colleagues to support this amendment.

Mr. President, I yield the floor.

Mr. BURNS. Mr. President, it has been an interesting debate this afternoon, if you had the opportunity to sit in your office and listen to it. I would

like to offer a couple of comments and go right to the bottom line. We can all sit around here and use fancy words to justify the stand that we take. So call me just one of those old-fashioned people who thinks kids should have an opportunity, if they choose—if they choose—to pray, to take a moment during the school day for prayer or reflection, if they choose. We should protect their right to choose.

Neither of these amendments would force any certain kind of a prayer on any certain student. Neither of these amendments would even require students to participate. That is the bottom line. It is very simple. Let us not flock around the Bill of Rights, let us not turn it on its head, turn it upside down. Let us honor the Constitution. That is what we are saying here.

Maybe in school one day an individual student wants to meet with 2 or 3 of his colleagues and pray; that should be protected. We are not saying they have to. We are saying they have the right to. That is the bottom line. Use all of the arguments and all of the logic that you want to try to turn it on its head; it does not work. That is what we are talking about. What we are hearing here is a lot of legalese that what we are supposed to be doing is taking a look at the Constitution and protecting those rights.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate vote on Senator HELMS' amendment No. 2416 at 6:20 today; that upon the disposition of that amendment, the Senate vote on Senator KASSEBAUM's amendment No. 2415, as amended, if amended, with the preceding all occurring without any intervening action or debate, and with the time between then and now equally divided between Senator KASSEBAUM and Senator HELMS or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, so ordered.

Mr. LEVIN. Mr. President, will the Senator from Kansas yield me 6 minutes?

Mrs. KASSEBAUM. I am happy to yield whatever amount of time the Senator needs.

Mr. LEVIN. I thank the Senator from Kansas. These two amendments that we are going to be voting on are inconsistent. We should not delude ourselves about that fact. The Senator from Kansas has introduced an amendment which has two very distinct advantages over the Helms amendment. First of all, the Helms amendment wades into the thicket of constitutional law relative to prayer and puts at risk a decision of a school board or school administrator, if they, by chance, make the wrong decision relative to one side of the issue.

This is a very complicated issue—school prayer. If it were not, there

would not be so many cases going to the Supreme Court. The fact that it is complicated is proven by the number of cases that are in court on this issue.

But the amendment of the Senator from North Carolina says if you make a mistake relative to your judgment on this, get legal advice which may be found by a court to be wrong, and you are going to lose all your Federal funding. That threat to school boards and school administrators is a major threat; it is a threat which no school board or administrator ought to face, and it is a threat which is avoided by the Kassebaum amendment, which says that only if you violate a court order relative to prayer in public school will you then lose your public funds. If you violate a court order with respect to prayer in school, then you are going to lose your funds. But we are not going to put you at peril if you make a mistake in judgment as to whether or not a prayer is permitted or not permitted. We are not going to put your whole funding at risk if you make that kind of an honest mistake.

The Helms amendment will punish school boards and administrators for honest mistakes in an area which is complicated. Again, if it were not so darn complicated, we would not have hundreds of cases going up to the court as to whether something is permitted or not. So we should avoid this threat, this very unfair threat to school administrators which the Helms amendment creates. That is one advantage of the Kassebaum amendment. The remedy of loss of funds follows the violation of a court order and it does not follow an honest mistake in this area.

There is a second very important advantage to the Kassebaum amendment. The Kassebaum amendment protects the rights of schoolchildren who want to pray and those who do not with the same remedy. The Kassebaum amendment takes into consideration the fact that there are children in this country who want to pray, who have a constitutional right as defined by a court under certain circumstances to engage in voluntary prayer. It protects those students to the same extent it protects students on the other side of the issue who want to be protected from a Government-imposed prayer.

There are constitutional rights in both groups of children, and we should defend those constitutional rights to the same extent and not single out one group for protection, leaving the other group without protection.

The Helms amendment applies the remedy of loss of Federal funding only for one group. It only uses that threat, which is really a nuclear weapon for school boards, on behalf of only one group's constitutional rights and does not use it to protect the other group's constitutional rights.

We should protect the constitutional rights of all children—all children—and

there are children on both sides, or all sides of this issue because there are probably more than two sides that have constitutional rights.

I want to just read the language of the Helms amendment because it is so clear here what is being done. The Helms amendment says:

*** no funds made available *** under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in—

And here are the key words:

*** constitutionally protected prayer in public schools by individuals on a voluntary basis.

And then it goes on to say something very different about the other side of the coin, the constitutional rights of the other children, and here is what it says about those:

Neither the United States nor any State nor any local educational agency—

According to the Helms amendment, shall require any person to participate in prayer or influence the form or contents of any constitutionally protected prayer in such public schools.

But what happens if they do? That is the silence of the Helms amendment. It does not provide the remedy of loss of funding if the second half of that amendment is violated. It is only the first half which results in a loss of funding.

If the right to participate in a constitutionally protected prayer is violated, the loss of funding follows, but if someone is required to participate in prayer, nothing follows. There is no remedy here for requiring someone to participate in prayer which violates their constitutional rights. There is silence. It just simply says do not do it. But what it does not say, what it leaves out is the same remedy to protect people from those violations as it provides for people who have had their constitutionally protected right to pray violated. And that is the second problem with the Helms amendment.

It is that it gives protection to one group with this remedy but does not give protection to the other group that has constitutional rights, the right not to be forced to participate in prayer, the right to be free from Government influence of the form or content of prayer. That group has no remedy in terms of the loss of Federal funds in this amendment. This amendment does not give that group that also has constitutional rights this same remedy. It is only the first group that is given this remedy.

The Kassebaum amendment, on the other hand, protects both groups with the same remedy. The Kassebaum amendment protects the rights of students with respect to prayer in public schools which covers students who wish to pray voluntarily, as well as students who want to be free from a mandated Government-imposed prayer.

Both groups are protected by the Kassebaum amendment with a remedy which does not put the school unfairly at risk; whereas the Helms amendment protects only one group and leaves the school boards and administrators in great peril because, if they make an honest mistake in judgment in this complicated area with respect to the one group whose rights are protected by this remedy, then they lose their Federal funding.

So on both counts, the Kassebaum amendment protects the constitutional rights of children who want to engage in voluntary prayer as well as those who want to be free from a Government-imposed prayer—and they both have rights. Make no mistake about it. Under court decisions, there are rights for both groups of children. The Kassebaum amendment protects the rights of both groups of children and avoids the harsh and unfair peril that the Helms amendment would put school administrators and teachers in, that if they make an honest mistake, they will lose Federal funding.

I hope that we will adopt the Kassebaum amendment, after rejecting the Helms amendment. They are inconsistent. They are very different.

And, again, for the reasons I have indicated, I think the Kassebaum amendment is far superior because it protects the rights of all children with a reasonable remedy instead of just protecting the rights of some children with an unfair and harsh remedy.

I yield the floor.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has 1 minute remaining under her control.

Mr. WELLSTONE. Then I yield back to the Senator from Kansas if she yielded me time.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I do not need to speak. I do not know who else wishes to speak at this time.

Mr. WELLSTONE. I will take the 1 minute.

Mr. BUMPERS. Mr. President, if the Senator from Kansas will yield, I had hoped to speak for 3 or 4 minutes, but it is not of Earth-shaking importance to me.

Mr. WELLSTONE. Mr. President, if the Senator from Kansas will yield 1 minute, I defer to the Senator from Arkansas that time.

Mrs. KASSEBAUM. Mr. President, then I will yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator has 5 seconds remaining.

Mr. HELMS. Mr. President, if the Senator will yield, I would like to yield 5 minutes to the Senator from my time if he would be interested in having it.

Mr. BUMPERS. That is most unanimous of the Senator from North Carolina. I am sure the Senator knows I do not support his amendment.

Mr. HELMS. That suits me fine. Everyone has to be someplace.

Mr. BUMPERS. The Senator is kind. It may get him some votes, for that matter.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. BUMPERS. Mr. President, last year, I supported the Helms amendment. I do not remember the words "constitutionally protected prayer" being in that amendment. I believe that was a second-degree amendment by Senator KENNEDY, which made it considerably better.

But a lot of people jumped under their desks, as politicians always do when prayer comes up in this body, and said, "Well, I don't want to get involved. Senator KENNEDY will drop this when it goes to conference anyway, and no damage will be done."

But I am not going to do that anymore.

I was the only southern Senator in the U.S. Senate to vote against President Reagan's constitutional proposal back in, I believe, 1984 to establish so-called voluntary prayer in school. The problem was that it was not voluntary.

In that very same year, I was up for reelection. That vote was not the most politically propitious thing I ever did. My opponent made much of the fact that I was the only southern Senator to vote against that constitutional amendment.

But on one happy occasion when there were about 1,000 people in the audience and my opponent tried to use that vote against me, I pointed out to the audience what that amendment did. I said: "If you believe that the school board in your local community ought to be allowed not to compose, but to adopt prayers composed by others and send them to the schoolhouse for your children to recite, you vote for my opponent, but I will be lying prostrate on the Senate floor before I vote for an amendment to the Constitution of the United States, which has served us so well for 205 years, that would allow a school board to take prayers from Jerry Falwell or whomever and say, 'These are the prayers our children will recite at 10 a.m. and 2 p.m. every day.'"

Now, I will tell you, it was a pretty conservative audience, but they were stomping and cheering by the time I finished, because they understood for the first time what that amendment did.

All the American people want is somebody to talk sense to them. A very powerful and emotional thing, prayer in school.

Right after we defeated that amendment, several of us went to work here

to adopt what we called "Equal Access." That is essentially what we are talking about here. We said school districts which allow other extracurricular activities and organizations may not deprive any voluntary group of students who want to pray, have devotions, theological discussions, or whatever of that right.

I went over to the Supreme Court to hear the constitutionality of that bill argued. I had never been there to hear an argument before. The Supreme Court said that it was constitutional. They said, if people want to voluntarily assemble in school for prayer, or whatever, the school board may not deny them that right if they accord the same right to other extracurricular organizations. And that is the law of the land today, and prayer takes place in thousands of schools across America every day.

Both of these amendments refer to constitutionally protected prayer. The Senator from Kansas and the Senator from North Carolina both say you cannot deny students the right to constitutionally protected prayer.

But then, unhappily, the Senator from North Carolina goes on to say: But we will deprive you of another constitutional right. We will take your money away from you without you ever getting a trial and a legal determination as to whether prayer is constitutionally protected or not.

I served on the school board in my community for 12 long years. It was a lot tougher job than being a U.S. Senator. I ran for Governor to get off the school board. We put up with this kind of thing constantly.

And I can tell you that there are a lot of school boards in this country that would violate the Constitution on this issue. Most of them are honest, good people who want better schools. But there are some who would maybe innocently trample on the rights of people who do not want to have to pray or listen to a prayer that violates their faith.

Under the Helms amendment, that school board could also say, "No, you can't pray because this is not constitutionally protected," and they would lose their money without a trial. Nobody here believes that this is a fair method of handling this.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from North Carolina controls all remaining time.

Mr. HELMS. What is the time situation on both sides?

The PRESIDING OFFICER. The Senator has 6 minutes and 36 seconds remaining.

Mr. HELMS. I thank the Chair.

Has the time for the Senator from Kansas expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, how do I respond to a nice guy like DALE BUMPERS? He is so wrong in what he said, but that is all right. I think 80 percent of the American people, and certainly those who are watching on C-SPAN, will know that he is not correct. Nor was Senator DANFORTH, when he intoned that my amendment would be so dangerous. But I shall not be critical of anybody who has criticized the amendment. That is their right.

I will ask unanimous consent, Mr. President, that a list of 12 instances where, under the present system, the rights of children have been violated because they wished to participate in a voluntary prayer but were forbidden to do so.

In Prestonberg, KY, a sixth grade student was denied the right to pray with friends before school.

In Champagne, IL—I call to the attention of my friend, PAUL SIMON—Eileen Unander was denied the right to participate in "See You at the Pole," which is a coordinated, nationwide student event where they gather to pray at their school flagpoles in the morning before school begins.

In Colorado, Becky Renshaw has been told not to mention the word "Jesus" in school.

What happened to her rights, Mr. President?

Nathan Lewis, of Hatfield, PA—I wish Senator SPECTER were here—was selected to speak at his graduation because he was such a stellar student, but he was told that he could not pray during his speech even if he wanted to.

And then there is James Amyx, of Broadhead, KY. He was denied the right to plan a prayer for his graduation, and has been further threatened with denial of the right to pray with other students before school if he pursues the graduation issue further.

Now, I am going to ask unanimous consent in just a moment that this entire list be printed in the RECORD at this time.

But what I am saying, Mr. President, is that we are putting the shoe on the other foot with this amendment. Right now, the students are denied their rights. Hereafter, the administrator or the superintendent or the principal or the school board will have to justify their actions to deprive students of their right of voluntary prayer.

Now, I want to know, what is wrong with the shoe being on the other foot a little bit? For years and years and years, since 1962, there has been such a muddled situation in our schools about what is lawful and what is not concerning prayer—and the ACLU has exploited the situation.

I know that Senator BUMPERS went over to the Supreme Court, because he said he did. And he is like George Washington—he never told a lie. I am sure he found out what he said he found out.

But the fact remains that young people, children all over the United States, have been deprived of their right to voluntary prayer under the present system.

So what I am saying is let us put the shoe on the other foot and let the administrators justify their position, instead of the students being kicked around as they have been.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1. J.J. Music (Prestonberg, KY)—sixth grade student denied the right to pray with friends before school.
2. Eileen Unander (Champagne, IL)—denied right to participate in See You at the Pole type activity.
3. Becky Renshaw (Kremmling, CO)—has been told not to mention the word "Jesus" in school.
4. Nathan Lewis (Hatfield, PA)—selected to speak at graduation, but told he cannot pray during his speech.
5. James Amyx (Broadhead, KY)—student has been denied right to plan a prayer at graduation, and has been further threatened with denial of right to pray with other students before school if he pursues the graduation issue further.
6. Adam Grecco (Derby, CT)—student denied right to speak to another student about God at school.
7. Bethany Null (Panama City, FL)—special education student told she can not pray over her lunch. Client moved and lost interest in pursuing the matter. File closed.
8. Linda Williams (Tayneville, KY)—valuedictorian concerned about censorship of her speech which will include a prayer.
9. Darren Warren (San Diego, CA)—denied right to participate in See You at the Pole. After receiving our information, however, school chose to permit the activity.
10. Matthew Moen (Smithtown, NY)—originally denied right to participate in See You at the Pole. The matter was subsequently resolved.
11. Harris V. Joint School District (9th Cir.)—students plan entire graduation ceremony. All decisions are in the hands of the students, including the decision to have a ceremony. In this context, some students have chosen to include student-initiated prayers. This action was challenged. The trial court decided that the practice is constitutional. The case is currently on appeal. The ACLJ file amicus briefs at the trial court level and with the 9th Circuit.
12. John Walden (St. Petersburg, FL)—student denied right to participate in See You at the Pole. Litigation was avoided when school agreed not to interfere with the activity at the last minute.

Mr. HELMS. Mr. President, the arguments against my amendment fail the test of reasonableness. Interestingly enough, the Supreme Court has never ruled directly on the constitutionality of student-initiated voluntary school prayer. But Supreme Court precedent holds that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school.

In 1981, in *Widmar v. Vincent*, 454 U.S. 263, the Supreme Court held that religious speech is protected under both the free speech and the free exercise clause of the first amendment.

In 1969, in *Tinker v. Des Moines School District*, 393 U.S. 503, the Supreme Court held that students exercising their free speech rights in the school cannot materially disrupt the school day or substantially infringe upon the rights of the others in the school.

In 1990, in *Mergens v. Westside Community School District*, 496 U.S. 226, the Supreme Court upheld the Federal Equal Access Act for religious activities in the schools against a challenge against the act by the school which argued that student-initiated religious activities on campus violated the establishment clause in the Constitution. The Supreme Court thus rejected the argument that any student religious activities on school campuses violated the Constitution.

Those cases are still good law, and taken together, make it clear that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school day or infringe upon the rights of others in the schools.

I do not find anything in the language of the pending amendment contrary to those Supreme Court holdings and I fully expect that the amendment, if enacted, would be interpreted and upheld in a manner consistent with these Supreme Court precedents concerning student-initiated religious activities in the schools.

Mr. President, I will ask unanimous consent in a moment that two legal opinions on the implications of the Helms-Lott amendment be printed in the RECORD. The first opinion was written by David M. Ackerman of the American Law Division of the Congressional Research Service and is dated February 22, 1994. The second legal opinion was drafted by James Matthew Henderson, Sr., the senior litigation counsel for the American Center for Law and Justice. I ask unanimous consent that both opinions be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See Exhibit).

Mr. HELMS. Mr. President, Mr. Ackerman provided the followed legal analysis in his opinion:

[W]hile the Court has been clear in holding government to be barred by the establishment clause from sponsoring or promoting prayer in the public schools, it has had less occasion to address the converse issue of what prayer activities must be allowed in the public school, i.e., what prayer activities might be considered constitutionally protected. In general the Court has affirmed that students in public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse

gate"*** One can surmise, for instance, that it would violate both the free speech and free exercise clauses of the First Amendment for a [school] to forbid a student from praying silently during the school day or, perhaps, even from praying aloud, at least so long as the prayer activity was not disruptive of the school environment and did not connote school endorsement***.

Some degree of uncertainty about what is constitutionally protected also attends the issue of commencement prayer***. The U.S. Court of Appeals for the Fifth Circuit, as well as a Federal district court in Idaho, differentiated student-initiated and student-delivered prayer at a public secondary school's commencement ceremony and held that kind of commencement prayer to be constitutional. The Supreme Court chose not to review the Fifth Circuit's decision***. Thus, student-initiated prayer at commencement ceremonies might for now be considered to be constitutionally protected in the*** Fifth Circuit and in Idaho***.

Would any of the [school prayer] amendments violate the Constitution? None of the amendments appear to be unconstitutional***. With respect to the cutoff of funds in the Helms-Lott amendment, it suffices to note that Congress has broad power to impose conditions on the receipt of Federal funds.

Mr. President, Mr. Henderson stated in his legal opinion that:

When public school officials interfere with voluntary, student-initiated prayer, such actions usually result from ignorance; that is, administrators assume that such student religious speech threatens the "wall of separation between church and state." Because the Establishment Clause is a restraint on governmental establishments, not student religious exercises, such school officials act out of an erroneous and fundamental misconception.

Mr. President, it is obvious that school administrators are not the only ones who are ignorant of the constitutionality of voluntary student-initiated prayer in the schools. I suggest Senators read both of these opinions in their entirety.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 22, 1994.
AMERICAN LAW DIVISION
MEMORANDUM

Subject: Senate amendments to S. 1150 relating to school prayer.

Author: David M. Ackerman.

During debate in early February on S. 1150, the "Goals 2000: Educate America Act," the Senate adopted three amendments relating to school prayer. This memorandum provides a brief analysis of their legal and constitutional implications.

TEXT OF THE AMENDMENTS

On February 3, 1994, the Senate adopted an amendment sponsored by Senators Helms and Lott to S. 1150, the "Goals 2000: Educate America Act." The amendment, which was approved by a vote of 75-22, provides as follows:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected

prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public school."

The words "constitutionally protected" were not included in the amendment as first propounded but were added by unanimous consent after an extended colloquy between Senators Helms, Packwood, and Danforth.²

On February 4 and 8, 1994, respectively, the Senate adopted two more amendments generally relating to the issue of school prayer—a sense of the Senate amendment sponsored by Senators Danforth, Chafee, and Kassebaum and an amendment by Senator Levin. The sense of the Senate amendment, which was adopted by a vote of 78-8,³ provides as follows:

"It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect (sic) themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill."

Finally, the Levin amendment, which was adopted by voice vote,⁴ provides as follows:

"Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public schools."

LEGAL EFFECT OF THE AMENDMENTS

While the amendment concerning a brief period of daily silence is, as a statement of the sense of the Senate, purely hortatory, both the Helms-Lott and the Levin amendments would have substantive legal effect. The Helms-Lott amendment would bar the Department of Education from making funds available to any State educational agency (SEA) or local educational agency (LEA) that had "a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis." The Levin amendment, conversely, would prohibit the Department from denying funds to any SEA or LEA which had "a constitutional policy relative to prayer in public school." It is not clear that that prohibition accomplishes anything that would not otherwise be the case, but the prohibition, nonetheless, would be a binding legal mandate.⁵

The amendments raise at least five issues relating to their legal effect. First, are the amendments compatible, or contradictory? Second, would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? Third, what does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? Fourth, what does the counterpart phrase in the Levin amendment—"a constitutional policy relative to prayer in public school"—mean? Fifth, would any of the amendments violate the Constitution?

(1) Are the amendments compatible, or contradictory? The amendments appear to be

compatible. The Helms-Lott amendment would require that Federal education funds be cut off under certain circumstances, while the Levin amendment would prohibit the cutoff of Federal education funds under certain circumstances. But under both the Helms-Lott and Levin amendments an SEA or LEA that had a constitutional policy relative to prayer in the public schools would be eligible for Federal education funds. Only in the circumstance that an SEA or LEA prevented participation in constitutionally protected prayer, i.e., had an unconstitutional policy relative to prayer in the public schools, would the Helms-Lott amendment require that funds be cut off. The Levin amendment would not proscribe that cutoff. The Danforth amendment, as a statement of the sense of the Senate regarding a brief period of silence in the public schools, is, as previously noted, purely hortatory. But because the policy it recommends is arguably constitutional, it, too, appears to be compatible with the Helms-Lott and Levin amendments.

(2) Would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? This issue arose during debate on the Helms-Lott amendment but does not appear to have been clearly resolved. The language of the Helms-Lott amendment states "No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency. . . ." Sen. JEFFORDS, an opponent of the amendment, twice asserted during debate that this language meant that the cutoff of funds under the amendment would apply not only to funds under S. 1150 and not only to other funds that go through the Department of Education but also to all other Federal funds going to SEAs and LEAs, such as school lunch and breakfast monies from the Department of Agriculture, National Science Foundation grants, NASA grants, and Medicaid funds through the Department of Health and Human Services.⁶ No rebuttal of this allegation was made by proponents of the amendment. Sen. HELMS did introduce a legal memorandum from the American Center for Law and Justice several days later which described the funding cutoff of his amendment as applying to "funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education. . . ." But early in the debate he had stated that under his amendment a school district could "lose its Federal funding."⁸ The same language appears in the Levin amendment.

The grammatical structure of the language would seem to intend that the phrase "through the Department of Education" applies not only to "under this Act" but also to "or any other Act." But any uncertainty in this regard would be eliminated if the commas were eliminated and the word "Act" were used but once: "No funds made available through the Department of Education under this or any other Act. . . ."

(3) What does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? This phrase states the prescriptive standard of the Helms-Lott amendment, interference with which would cause a cutoff of Federal funds. The meaning of that phrase, thus, is critically important.

The Supreme Court has held in a number of decisions that government sponsorship of devotional activities in the public schools

violates the establishment of religion clause of the First Amendment. With respect to prayer in the public schools, it has held the constitutional prohibition of government sponsorship and promotion to apply (1) regardless of whether the prayer is composed by the State,⁹ is taken from religious literature,¹⁰ or is composed by a teacher or student;¹¹ (2) regardless of whether students can be excused from participating;¹² and (3) to both regular devotional activities during the school day and to prayers at such singular events as graduation exercises.¹³ The prescription has even been held to extend to moments of silence in the public schools where the State has prescribed that the moments are to be used for prayer.¹⁴

None of these prayer activities, in other words, are constitutionally protected; and SEA or LEA policies or actions to prevent students and teachers from engaging in such activities, thus, would not, or should not, trigger the cutoff of funds under the Helms-Lott amendment.

But while the Court has been clear in holding government to be barred by the establishment clause from sponsoring or promoting prayer in the public schools, it has had less occasion to address the converse issue of what prayer activities must be allowed in the public schools, i.e., what prayer activities might be considered to be "constitutionally protected." In general the Court has affirmed that students in public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate"¹⁵; but it has also made clear that the first Amendment rights of students in the public schools "are not automatically coextensive with the rights of adults in other settings" and must be "applied in light of the special characteristics of the school environment."¹⁶ Yet specific rulings illuminating the parameters of those generalities and, consequently, the scope of the standard articulated in the Helms-Lott amendment are few. One can surmise, for instance, that it would violate both the free speech and free exercise clauses of the First Amendment for a SEA or LEA to forbid a student from praying silently during the school day or, perhaps, even from praying aloud, at least so long as the prayer activity was not disruptive of the school environment and did not connote school endorsement. But our research has found no case directly on point.¹⁷

Other areas involving prayer in the public schools have more decisional authority, but the parameters of what is constitutionally protected or mandated or permissible have not been fully defined. For instance, the Court has indicated in dicta that it would be constitutionally permissible for a State to provide for a moment of silence in the public schools that could be used by students, inter alia, for voluntary prayer.¹⁸ But in the one case in which it considered the issue, it struck down the specific silent prayer or meditation statute that was before it on the grounds the State adopted the statute to promote prayer¹⁹; and it has so far chosen not to address the issue again. The one subsequent lower Federal court decision also struck down a particular moment of silence statute.²⁰ Thus, although it seems possible for a constitutional policy relating to moments of silence to be articulated, the courts have not as yet provided certain guidance.

The Court has also explicitly held the free speech clause to mandate equal access to school facilities for student-initiated religious groups at the public college level,²¹ but it has not addressed that constitutional issue at the public secondary school level. In

its one pertinent decision it construed the Equal Access Act enacted by Congress in 1984²² to give student-initiated religious groups at Federally assisted secondary schools a statutory right to meet in school facilities on the same basis as other non-curriculum related student groups, and it held that Act not to violate the establishment clause.²³ But in that decision it explicitly avoided the question of whether the constitutional right it found in *Widmar v. Vincent*, supra, extended to students in public secondary schools. The Helms-Lott amendment would seem to require that issue to be resolved in the instance that a school district failed to comply with the Equal Access Act, i.e., denied a student religious group the opportunity to meet in school facilities on the same basis as other student noncurricular groups. The answer to the constitutional issue, however, is uncertain.²⁴

Some degree of uncertainty about what is constitutionally protected also attends the issue of commencement prayer. In *Lee v. Weisman*, supra, the Supreme Court held school-initiated and clergy-delivered prayer at a public secondary school's commencement ceremony to be unconstitutional. Subsequently, however, the U.S. Court of Appeals for the Fifth Circuit, as well as a Federal district court in Idaho, differentiated student-initiated and student-delivered prayer at a public secondary school's commencement ceremony and held that kind of commencement prayer to be constitutional.²⁵ The Supreme Court chose not to review the Fifth Circuit's decision, despite the fact that analogous decisions involving school prayer suggested it might not be correct.²⁶ Thus, student-initiated prayer at commencement ceremonies might for now be considered to be constitutionally protected in the jurisdiction of the Fifth Circuit and in Idaho, but its status elsewhere, as well as its ultimate constitutional status in the Fifth Circuit and Idaho, remains uncertain.

In short, what prayer activities in the public schools are constitutionally protected has not as yet been fully delineated. As a consequence, considerable ambiguity would seem to attend the application of the funds cutoff standard of the Helms-Lott amendment.

(4) What does the counterpart phrase in the Levin amendment—"a constitutional policy relative to prayer in the public school"—mean? This standard appears to have the same potential for ambiguity as the one articulated in the Helms-Lott amendment. If a SEA or LEA adopted a policy that did no more than track what the Supreme Court has held to be constitutionally prohibited, as described above, it would seem to satisfy this standard. But if it went beyond what has been explicitly articulated by the Court and addressed such issues as individual oral prayer or moments of silence for prayer or meditation or meetings of student religious groups beyond what is required by the Equal Access Act or student-initiated and led prayer at commencement ceremonies, it would encounter the same legal ambiguities that have been detailed above. Pending an administrative decision by the Department of Education or litigation, or both, it would not be certain whether a particular policy would, or would not, insulate a SEA or LEA from a cutoff of funds.

(5) Would any of the amendments violate the Constitution? None of the amendments appear to be unconstitutional. The sense of the Senate amendment pertaining to moments of silence for prayer or meditation described does not, as noted above, have any

binding legal effect that might raise a constitutional issue. But even if the policy it recommends were implemented, the policy does not appear to endorse prayer as the preferred activity for such moments and arguable would not contravene the Court's decision in *Wallace v. Jaffree*, supra. With respect to the cutoff of funds in the Helms-Lott amendment, it suffices to note that Congress has broad power to impose conditions on the receipt of Federal funds.²⁷

FOOTNOTES

- ¹140 CONG. REC. S756 (daily ed. Feb. 3, 1994).
- ²Id., at S741.
- ³Id., at S841 (daily ed., Feb. 4, 1994).
- ⁴Id., at S1118 (daily ed. Feb. 8, 1994).
- ⁵The Levin amendment appears to be a response to the Helms-Lott amendment as it was eroded prior to the addition of the words "constitutionally protected." Without those words the language of the amendment, and some of the examples cited by its sponsors in justification—see 140 CONG. REC. S725-28 (statements of Sen. Helms) and S730-31 (statement of Sen. Lott) (daily ed. Feb. 3, 1994)—seemed to open the possibility that SEAs and LEAs could jeopardize their Federal funding by prohibiting voluntary prayer activities that have been held unconstitutional by the courts. The Levin amendment would have vitiated the possibility. But the addition of the words "constitutionally protected" to the Helms-Lott amendment accomplished that purpose as well.
- ⁶See 140 CONG. REC. S737-38 and S742-43 (daily ed. Feb. 3, 1994) (statements of Sen. Jeffords).
- ⁷Id., at S1156 (daily ed., Feb. 8, 1994).
- ⁸Id., at S724 (daily ed., Feb. 8, 1994) (statement of Sen. Helms).
- ⁹*Engel v. Vitale*, 370 U.S. 421 (1962); *Wallace v. Jaffree*, 466 U.S. 924 (1984), affg mem. 705 F.2d 1526 (11th Cir. 1983).
- ¹⁰*Abington School District v. Schempp*, 374 U.S. 203 (1968).
- ¹¹*Karen B. v. Treen*, 455 U.S. 913 (1982), affg mem. 653 F.2d 897 (1981).
- ¹²*Engel v. Vitale*, supra, at 421, and *Abington School District v. Schempp*, supra, at 228. In both cases, it might be noted, the Court found the voluntariness of the exercise not to be material to its decision. It suggested, in fact, that because of compulsory schooling, peer pressure, and the official sanction given the exercises, "voluntary" participation might be an impossibility.
- ¹³*Lee v. Weisman*, 112 S.Ct. 2649 (1991).
- ¹⁴*Wallace v. Jaffree*, 472 U.S. 88 (1985).
- ¹⁵*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969).
- ¹⁶*Hazelwood School District v. Kuhlhas*, 434 U.S. 260, 266 (1988), quoting *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, 682 (1986) and *Tinker v. Des Moines Independent Community School District*, supra, at 506.
- ¹⁷*Cf. Roberts v. Madigan*, 921 F.2d 1047 (10th Cir. 1991), cert. den., 112 S.Ct. 8025 (1992) (teacher's display and reading of personal Bible during silent reading periods held, in the context of the inclusion of religious books in classroom library and display of religious poster on wall, to amount to religious proselytizing and to be constitutionally barred).
- ¹⁸*Wallace v. Jaffree*, supra.
- ¹⁹Id.
- ²⁰See *Walter v. West Virginia Board of Education*, 610 F.Supp. 1169 (D. W.Va. 1985) (constitutional amendment adopted by referendum providing for "brief time at the beginning of each school day for any student to exercise their right to personal and private contemplation, meditation, or prayer" held to have a purpose of returning prayer to the public schools and to be unconstitutional).
- ²¹*Widmar v. Vincent*, 454 U.S. 263 (1981).
- ²²20 U.S.C. 4071-74 (1988).
- ²³*Westside Community Board of Education v. Mergens*, 496 U.S. 226 (1990).
- ²⁴Prior to *Mergens*, four Federal appellate courts had held the accommodation of student-initiated religious meetings on the premises of public secondary schools not to be mandated by either the free speech or free exercise clauses, but one Federal district court had held to the contrary. Compare *Brandon v. Board of Education of the Guilford Central School District*, 635 F.2d 971 (2d Cir. 1980), cert. den., 454 U.S. 1123 (1981); *Lubbock Civil Liberties Union v. Lubbock Independent School District*, 659 F.2d 1038 (5th Cir. 1982), cert. den., 459 U.S. 1156 (1983); *Bell v. Little Axe Independent School District*, 766 F.2d 1391 (10th Cir. 1985); and *Garnett v. Renton School Dis-*

trict No. 403, 874 F.2d 608 (9th Cir. 1989), judg. vacated and case remanded for further consideration in light of *Mergens*, 496 U.S. 914 (1990) with *Bender v. Williamsport Area School District*, 563 F.Supp. 697 (M.D. Pa. 1983), rev'd, 741 F.2d 538 (3d Cir.), vacated for want of jurisdiction, 475 U.S. 584 (1986) (the Supreme Court held that the party that had taken an appeal from the district court's decision had no standing to do so, that therefore neither it nor the Third Circuit had jurisdiction to issue a decision on the merits in the case, and that, consequently, the district court's decision that secondary school students had a constitutional right to meet for religious purposes on school premises stood as the final decision in the case).

²⁵See *Jones v. Clear Creek Independent School District*, 977 F.2d 963 (5th Cir. 1992), cert. den., 61 U.S.L.W. 3819 (1993) and *Harris v. Joint School District No. 241, 1193 US Dist LEXIS 6684* (D. Id. 1993).

²⁶See, e.g., *Collins v. Chandler United School District*, 470 F.Supp. 959 (D. Ariz. 1979), aff'd, 644 F.2d 759 (9th Cir.), cert. den., 454 U.S. 863 (1981) (student council sponsorship of prayer by students at beginning of school assemblies held unconstitutional).

²⁷*South Dakota v. Dole*, 483 U.S. 208 (1987).

SOME GUIDING CONSTITUTIONAL PRINCIPLES REGARDING STUDENT EXPRESSION, INCLUDING VOLUNTARY PARTICIPATION IN STUDENT-INITIATED PRAYER

(By James Matthew Henderson, Sr.)

I. PUBLIC SCHOOL STUDENTS ENJOY SUBSTANTIAL PROTECTION OF THE RIGHT TO FREEDOM OF SPEECH UNDER THE UNITED STATES CONSTITUTION

The First Amendment of the United States Constitution, made applicable to public schools by operation of the Fourteenth Amendment, provides significant protection for public school students who desire to exercise their right to freedom of speech while on campus. *Tinker v. Des Moines Ind. Sch. Dist.*, 393 U.S. 503 (1969).¹ In *Tinker*, the Supreme Court said that public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker*, 393 U.S. at 506.²

In *Tinker*, the Court addressed a dispute that arose when some students wore black armbands in school and during class to protest the Vietnam War. The school authorities ordered the students to remove the armbands or to leave school. The Supreme Court ruled that the school authorities had violated the Constitution, and construed the students' First Amendment rights broadly: "in our system, state-operated schools may not be enclaves for totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are persons under our Constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. In our system, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expressions of those sentiments that are officially approved." *Tinker*, 393 U.S. at 511 (emphasis added).

Under the First and Fourteenth Amendments, as held in *Tinker*, public schools may not limit student-initiated speech unless it "would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." *Tinker*, 393 U.S. at 509 (citation omitted).³

As the Supreme Court has also noted: "[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." *Shelton v. Tucker*, 364 U.S. 479, 487 (1967). In fulfilling this vital role, the Congress, the Executive, and the Courts should encourage public

Footnotes at end of article.

schools to "apply the First Amendment mandates in our educational system" "to safeguard the fundamental values of freedom of speech and inquiry . . ." *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

II. COMPLETE PROHIBITIONS ON STUDENT EXPRESSION, INCLUDING STUDENT-INITIATED PRAYER, FAIL CONSTITUTIONAL SCRUTINY UNDER THE SUPREME COURT'S PUBLIC FORUM DOCTRINE

Under the "Public Forum Doctrine," elucidated in the decisions of the United States Supreme Court, regulations prohibiting students from participating in voluntary, student-initiated prayer must be examined under the strictest scrutiny.⁴

In *Cornelius v. NAACP Legal Defense & Educational Fund*, 473 U.S. 788 (1985), the United States Supreme Court enunciated the proper analysis for determining the existence of First Amendment Rights in a given locale. First, it must be determined whether the activity at issue is speech protected by the First Amendment. If protected speech is at issue, the next step is to identify the nature of the forum, the public school. The extent to which the government may limit access depends on whether the forum is public or non-public. Finally, it must be determined whether the justifications for exclusion of the speech from the relevant forum satisfy the requisite standard of constitutional scrutiny.

A. Voluntary, student-initiated prayer is protected under the first and fourteenth amendments

It is a constitutional axiom that the religious speech, including prayer, is a form of expression protected by the First Amendment. See, e.g., *Widmar v. Vincent*, 454 U.S. 263, 269 (1981); *Heffron v. International Society for Krishna Consciousness*, 454 U.S. 640 (1981).

B. For duly enrolled students, public schools are designated forums for freedom of speech

The Supreme Court has identified three types of fora for First Amendment analysis: (1) traditional public fora (e.g., streets, sidewalks, and parks, *Hague v. C.I.O.*, 307 U.S. 496 (1939)); (2) designated public fora (e.g., public university, *Widmar v. Vincent*, 454 U.S. 263 (1981)); and (3) nonpublic fora (e.g., jails, *Adlerley v. Florida*, 385 U.S. 39 (1966)). See, *Board of Airport Commissioners v. Jews for Jesus, Inc.* 482 U.S. 569, 572 (1987); *Perry Educators v. Perry Local Educators Assn.*, 460 U.S. 37, 45-46 (1983). For each of these, the Court has established standards of review applicable to government restrictions on speech.

Public school campuses are designated, or opened, public forums for the students in attendance. Of course, public school officials need not tolerate on campus interlopers unrelated to the purposes and functions of the school. Students, on the other hand, are compelled by state laws to spend some six hours a day on campus. While on campus, students enjoy periods of varying supervision and control. In those periods when student expression would not be disruptive of order and discipline, or substantially interfere with the rights of others, the fact that student speech is widely tolerated leads to the conclusion that schools are intended to be places for student speech.

At least for matriculated students, classrooms, lunchrooms, and hallways are "necessary conduit[s] in the daily affairs of a locality's citizens." *Heffron v. ISKCON, Inc.*, 452 U.S. 640, 651 (1981). Indeed, as one federal court has put it, interpreting *Tinker*, "whether or not a school campus is available as the public forum to others, it is clear that the students, who of course are required to be in

school, have the protection of the First Amendment while they are lawfully in attendance." *Rivera v. East Otero School District*, 721 F. Supp. 1189, 1197 (D.Colo. 1989).

In these fora, with their general access for students, "[t]he crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time." *Grayned*, 408 U.S. at 115-16. When the issue is compatibility of the speech, regulations of time, place and manner, not complete bans, are the appropriate means of securing legitimate governmental interests. A school district that bars all voluntary, student-initiated speech on campus studiously disregards the rule that "one who is rightfully [in a forum] which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion." *Jamison v. Texas*, 318 U.S. 413, 416 (1943).

C. A complete prohibition on voluntary, student-initiated prayer fails the requisite constitutional analysis

In *Tinker*, the Supreme Court rejected the effort to interfere with student speech, even in the classroom proper, in the absence of objective evidence that the expressive activity would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." *Tinker*, 393 U.S. at 509 (citation omitted). By requiring objective evidence, the Supreme Court indicated that school officials must produce concrete evidence that the student speech objectively disrupts the operation of the school.

Unless a public school can offer evidence of specific "material and substantial" disruptions resulting from voluntary, student-initiated prayer, it would lack the requisite constitutional warrant to take action against such speech. By asserting some undifferentiated fear of disruption, a public school would fail to satisfy the requisite constitutional standards. As the Supreme Court said, "in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression." *Tinker*, 393 U.S. at 508. Absent unusual circumstances, there simply is no basis that "might reasonably [lead] school authorities to forecast substantial disruption or material interference with school activities." *Tinker*, 393 U.S. at 514, resulting from participation in voluntary, student-initiated prayer.

The burden on school authorities in cases where a public school completely prohibits all student-initiated voluntary prayer is significant. Such content-related, flat bans must be subjected to heightened scrutiny. As explained by the Supreme Court, the standard for government regulation in such cases is: "the government may not prohibit all communicative activity. For the State to enforce a content-based exclusion it must show that its regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end. . . . The State may also enforce regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels to communication." *Perry Ed. Assn.* 460 U.S. at 45-46. Furthermore, "[a]dditional restrictions as an absolute prohibition on a particular type of expression will be upheld only if narrowly drawn to achieve a compelling interest." *Grace*, 461 U.S. at 177.⁵

There are few, if any, circumstances in which the government of a republic can ex-

press adequate reasons to justify a prohibition on an entire class of speech. Student-initiated prayer lacks the indicia of speech which is readily subject to special disability (it is unlike defamation, obscenity, the revelation of troop movements during times of war, or fighting words).

III. EVEN IN A NONPUBLIC FORUM, A BAN ON STUDENT-INITIATED VOLUNTARY PRAYER WOULD BE UNCONSTITUTIONAL

Even if public school campuses are nonpublic forums, a flat ban of student-initiated voluntary prayer would still be unconstitutional under the standards applicable to nonpublic fora.⁶ Viewed "in light of the purpose of the forum and all the surrounding circumstances," *Cornelius*, 473 U.S. at 808, a flat ban would be manifestly unreasonable.

Given the purpose and circumstances of the relevant fora, an absolute prohibition is patently unreasonable. Public school campuses are not exclusively dedicated to pedagogical employment. Not is a student's act of voluntary participation in student-initiated prayer somehow destructive of a public school campus or of the learning environment generally. Any other approach, admitting of intolerance of religion, would relegate students to a status of closed-circuit recipients of only that which the public schools approve.

IV. VOLUNTARY, STUDENT-INITIATED PRAYER ON A PUBLIC SCHOOL CAMPUS CANNOT VIOLATE THE ESTABLISHMENT CLAUSE

When public school officials interfere with voluntary, student-initiated prayer, such actions usually result from ignorance; that is, administrators assume that such student religious speech threatens the "wall of separation between church and state." Because the Establishment Clause is a restraint on government establishments, not student religious exercises, such school officials act out of an erroneous and fundamental misconception.

In *Widmar v. Vincent*, 454 U.S. 263 (1981), for example, the Supreme Court ruled that religious speech cannot be barred from the campus forum simply because it is religious. In *Widmar*, the University of Missouri-Kansas City allowed student groups to meet in campus facilities, but excluded a student evangelical Christian group from meeting on campus solely because it was religious. The Supreme Court said, "Here UMKC has discriminated against student groups and speakers based on their desire to use a generally open forum to engage in religious worship and discussion. These are forms of speech and association protected by the First Amendment." 454 U.S. at 269.

The Supreme Court applied the *Widmar* principles to public schools, in a statutory context, in *Board of Education v. Mergens*, 496 U.S. 226 (1990). The Court held that public high schools cannot bar a student-led Bible study from meeting on campus when other non-curriculum groups are allowed to meet on campus.

Only a compelling state interest can justify a content-based burden on certain speakers using an open forum, *Perry*, 460 U.S. at 45; *Widmar*, 454 U.S. at 270; *Cornelius*, 473 U.S. at 800. There is no compelling state interest to support a complete prohibition on student religious speech and the Establishment Clause does not require such an exclusion.

A. Students cannot violate the establishment clause

The *Mergens* opinions expresses the crucial point that only the government can violate the Establishment Clause, and the students

are not governmental representatives. This common sense distinction reflects the Establishment Clause's intended limitation on the power of governments, not on the rights of individual students. As Justice O'Connor stated, "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." 496 U.S. at 250 (emphasis in original).

Thus, "separation of church and state" justifications thrown up in the faces of praying students are legal irrelevancies. The acts of a student are the acts of a private citizen, not of a government entity. Public schools employees and officials can violate the Establishment Clause; students cannot do so. The Supreme Court also has stated, as a general proposition, that the activities of student evangelists in a public school do not present Establishment Clause problem: "Petitioner's principal contention is that the [Equal Access] Act [Title 20 U.S.C. §§ 4071 et seq.] has the primary effect of advancing religion. Specifically, petitioners urge that, because the student religious meetings are held under school aegis, and because the state's compulsory attendance laws bring the students together (and thereby provide a ready-made audience of student evangelists), an objective observer in the position of a secondary school student will perceive official school support for such religious meetings. . . . We disagree." *Mergens*, 496 U.S. at 249.

Because the government, not students, is limited by the Establishment Clause, students are incapable of violating the clause unless they act as agents of the government. In contrast, students who act on their own behalf and engage in speech activities as a result of personal belief or interest, are fully protected by the First Amendment. Therefore, public schools cannot use the Establishment Clause as a rationale to ban religious speech by students.

B. Public schools do not endorse the religious views of students engaged in voluntary student-initiated prayer on campus

The apparent concern of some, that mere accommodation of student religious activities on campus violates the Establishment Clause, is without basis in law. The Supreme Court has repeatedly rejected that notion, most recently in *Mergens*. There the Court stated, "secondary school students . . . are likely to understand that a school does not endorse or support student speech that it merely permits on a nondiscriminatory basis. . . ." *Mergens*, 496 U.S. at 250. Despite the fact "that schools do not endorse everything they fail to censor," *id.*, some public school officials will continue to entertain unwarranted fears about the "church-state" issue.

Of course this point, regarding private religious uses of public property, was also made in the context of a public university in *Widmar v. Vincent*: "An open forum in a public university" does not confer any imprimatur of state approval on religious sects or practices." 454 U.S. 274. The Supreme Court also said in *Widmar*: "But by creating a forum the University does not thereby endorse or promote any of the particular ideas aired there. Undoubtedly many views are advocated in the forum with which the University desire no association." 454 U.S. at 271 n.10. In *Mergens*, Supreme Court applied this principle to public secondary schools, saying that public schools do not violate the Establishment Clause when they allow student religious groups to meet on campus. *Mergens*, 496 U.S. at 250. Thus the Supreme Court

has twice rejected, in *Widmar* and *Mergens*, application of the Establishment Clause to the private speech of students otherwise entitled to be present on a public campus.

In fact, a policy excluding voluntary, student-initiated prayer because of its religious content would violate the second prong of the Lemon test. See *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971).⁷ Such a policy or practice would demonstrate hostility toward religion, and would have a primary effect of inhibiting religion. The Establishment Clause requires government neutrality toward religion.

C. The Government has a "duty to accommodate" religious speech and accommodation does not violate the establishment clause

The Supreme Court has ruled that governments have the duty to accommodate religious beliefs and practices, and that such accommodation does not result in unconstitutional endorsement of religion, in violation of the Establishment Clause. In *Lynch v. Donnelly*, 465 U.S. 668 (1984), the Supreme Court stated, "[the First Amendment] affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." 465 U.S. at 673. And, in *Hobbie v. Unemployment Appeals Commission*, 480 U.S. 136 (1987), the Supreme Court reiterated that concept:

"This Court has long recognized that the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause." 480 U.S. at 144. The Supreme Court expressed the correct balance in *Widmar* and *Mergens*, that accommodation of religious speech under a neutral policy is not an advancement of religion and does not violate the Establishment Clause.

FOOTNOTES

¹In a subsequent decision addressing the right to freedom of speech on a public sidewalk adjacent to a public school, the United States Supreme Court reiterated its *Tinker* decision: [In *Tinker*, we concluded that free expression could not be barred from the school campus. We made clear that "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression," and that particular expressive activity could not be prohibited because of a "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. . . ." *Grayned v. City of Rockford*, 408 U.S. 104, 117 (1972) (citations omitted).

²Undoubtedly, school officials have "important, delicate and highly discretionary functions" to perform. *West Virginia v. Barnette*, 319 U.S. 624, 637 (1943). These functions, however, must be performed "within the limits of the Bill of Rights." *Barnette*, at 637.

³The Supreme Court has relied on its *Tinker* decision when addressing students' expressive rights in other contexts on campus. In *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988), the Court reaffirmed *Tinker* as the standard for evaluating restrictions on student-initiated speech. *Hazelwood* addressed the right of a Missouri school district to edit and eliminate student-written stories from the high school newspaper because of inappropriate content. The Supreme Court unequivocally stated that the issues in *Hazelwood* concerning dissemination of a school-sponsored, student-written newspaper are very different from the issue of dissemination of student writing that is not school-sponsored: The question whether the First Amendment requires a school to tolerate a particular student's speech—the question that we addressed in *Tinker*—is different from the question of whether the First Amendment requires a school affirmatively to promote particular student speech. The latter question concerns educators' authority over the school-sponsored publications, theatrical productions, and other expressive activities that the students, parents and members of the public might reasonably perceive to bear the imprimatur of the school. 484 U.S. at 270-71.

⁴Importantly, the *Tinker* Court held that "personal intercommunication among students" in high

schools is an activity to which schools are dedicated. *Tinker*, 393 U.S. at 512 (and accompanying footnote).

⁵In a long line of cases, the Supreme Court has consistently struck down such sweeping prohibitions of cherished First Amendment speech. In *Board of Airport Commissioners v. Jews For Jesus*, 482 U.S. 569 (1987), for example, the Supreme Court held unconstitutional a regulation which prohibited all free speech activities in an airport terminal. As the Supreme Court explained, "we think it obvious that such a ban cannot be justified even if [the airport terminal] were a nonpublic forum because no conceivable governmental interest would justify such an absolute prohibition of speech." 482 U.S. at 575. No compelling governmental interest supports a flat ban on student-initiated religious speech on public school campuses.

⁶In a nonpublic forum, a regulation of speech must be reasonable and viewpoint neutral. See, e.g., *ISKCON, Inc. v. Lee*, 120 L.Ed. 2d, 541 (1992).

⁷In its cases interpreting the Establishment Clause, the Court has come to employ a three-pronged analysis commonly called the Lemon test. See, e.g., *Harris v. McRae*, 448 U.S. 297, 319 (1980) (government action does not contravene the Establishment Clause if it has a secular legislative purpose, then its principal or primary effect neither advances nor inhibits religion; and, if it does not foster an excessive government entanglement with religion).

Mr. COATS. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina. Religion is not just part of the practice of our Nation, it is part of the theory of our founding. Banning voluntary prayer in our schools threatens religious expression and denies our history. The Helms amendment affirms the right of public school students to participate in constitutionally protected prayer on a voluntary basis.

As the Senator has stated, this language, which the Senate passed as an amendment to the Goals 2000 bill by a vote of 75 to 22, was subsequently removed in conference.

When the Supreme Court decided its landmark school prayer case in 1963, *Abington versus Schempp*, two dissenting justices warned that "unilateral devotion to the concept of neutrality can lead to * * * not simply noninterference and noninvolvement with the religious which the Constitution demands, but a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious."

No phrase could more accurately describe the current thinking about school prayer—"a brooding and pervasive devotion to the secular." It denies the central role of religion in our public life. It ignores the value of a child's hope and belief in a higher power.

Religion was intended to play an important part in America's public life—not to favor any sect, but to affirm our traditions and beliefs, and to assert the source of all our liberties. America has a history of religious accommodation, not secular hostility.

When all reference to religion is omitted from our public life, we have declared off-limits the expression of people's deepest motivations and highest beliefs. We have created a naked public square—a public life scrubbed of the sacred, in which religious people lose important rights and our Nation is ultimately impoverished.

There is a difference between religious indoctrination, and the simple acknowledgement of the creator. We seem to have lost the ability to make that distinction.

Mr. KEMPTHORNE. Mr. President, I support the amendment offered by Senator HELMS that would withhold chapter I funding from any school district that denies their students their constitutional right to prayer.

Idaho is no stranger to the issue of school prayer. We have a case currently before the Ninth Circuit Court of Appeals looking at this very issue. The Grangeville, ID, School District was making no effort to infringe on a student's right to constitutionally protected prayer. In fact, they were giving them the freedom to practice constitutionally protected prayer. But the American Civil Liberties Union is trying to make the case that those students should not be given that freedom.

Mr. President here are the facts. The Grangeville School Board allows their students to plan the entire graduation ceremony; who speaks, what is done, even what school board members are invited to attend or pass out diplomas, and yes, whether or not there will be a prayer. In 1990, the American Civil Liberties Union notified the school board that they would file suit if prayer was allowed at the graduation ceremonies. The school board stood their ground and said it was up to the students how their graduation ceremony would be conducted. At the same time, a citizens group and the students asserted their right to pray and the right to free exercise and free speech.

Last year, District Court Judge Harold Ryan ruled in favor of the citizens and students, and denied the ACLU summary judgment and allowed the prayer to continue.

The ACLU has appealed that decision and it now is before the Ninth Circuit Court of Appeals.

I am no stranger to the threat that exists to this constitutional right to free speech. As mayor of Boise, ID, for 7 years, I began every city council meeting with a prayer. After several years of inviting representatives of all denominations to offer the prayer at the weekly meetings, I was informed that a suit may be filed to stop this practice. My response was not to stop prayers prior to our council meetings. I feel as strongly today as I did at that time. We must never willingly surrender our right to prayer.

I recently received a letter from members of the United Methodist Church in Boise where they shared with me their concerns for this attack on freedom. They shared their motivation in our Nation to express our faith and reliance on God in public life.

I quote from their letter:

Our Founding Fathers regarded the Bible as a Holy writ and based the Declaration of Independence and our Constitution on its

wisdom. They knew the law of all civilized man is based on the Ten Commandments. They are philosophical absolutes that shaped our national tradition. Yet it is deemed politically incorrect to make reference to or use Biblical wisdom.

It seems to us that in our attempt to be unprejudiced in this pluralistic society we have sacrificed Truth on an altar of unprincipled tolerance.

How far afield from our religious roots our Nation under God has gone! We believe that if this trend is not reversed our Nation will surely perish, not at the hand of an enemy from without, but by our own moral decay from within.

Mr. President. I share those concerns. I favor voluntary prayers in school and at commencement exercises. While the Constitution states that the Government shall not establish a national religion, I do not believe that should be interpreted to prevent all religious activities in public institutions.

Our Founding Fathers wanted everyone in the United States to practice the religion of their choice in the way they choose. They did not intend for us to deny the existence of religion in this country, but wanted to recognize the legitimacy of different religions to exist without governmental interference or promotion.

Mr. President. I support the Helms amendment to allow those students of this Nation to go back to those religious roots through voluntary, constitutionally protected prayer, and to allow school administrators to be sensitive to those students' desires.

Mr. HELMS. Mr. President, I ask unanimous consent that the rollcall vote on school prayer on February 3, to which I allude, be printed in the RECORD immediately before the vote on the pending amendment.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1382, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 1382 offered by the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER [Mr. DASCHLE]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—75

Akaka	Bond	Bumpers
Baucus	Boren	Burns
Bennett	Bradley	Byrd
Biden	Breaux	Campbell
Bingaman	Brown	Coats

Cochran	Gregg	Mitchell
Cohen	Hatch	Moseley-Braun
Conrad	Heflin	Murkowski
Coverdell	Helms	Nunn
Craig	Hollings	Packwood
D'Amato	Hutchison	Pressler
Daschle	Johnston	Pryor
DeConcini	Kempthorne	Reid
Dodd	Kennedy	Robb
Dole	Kerrey	Rockefeller
Domenici	Kerry	Roth
Dorgan	Kohl	Sarbanes
Durenberger	Lautenberg	Sasser
Exon	Lieberman	Shelby
Faircloth	Lott	Simpson
Ford	Lugar	Smith
Gorton	Mack	Thurmond
Graham	Mathews	Wallop
Gramm	McConnell	Warner
Grassley	Mikulski	Wofford

NAYS—22

Boxer	Hatfield	Murray
Bryan	Inouye	Pell
Chafee	Jeffords	Riegle
Danforth	Kassebaum	Simon
Feingold	Leahy	Specter
Feinstein	Levin	Wellstone
Glenn	Metzenbaum	
Harkin	Moynihan	

NOT VOTING—3

McCain	Nickles	Stevens
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So the amendment (No. 1382), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, we are nearing the bewitching hour of 6:20. I yield back my time and suggest we go to a vote on the Helms amendment.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there objection? Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2416

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—47

Bennett	Gorton	McConnell
Bingaman	Gramm	Murkowski
Bond	Grassley	Nickles
Boren	Gregg	Nunn
Brown	Hatch	Pressler
Burns	Heflin	Roth
Byrd	Helms	Sasser
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Coverdell	Johnston	Smith
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Faircloth	Mathews	Wofford
Ford	McCain	

NAYS—53

Akaka	Bradley	Campbell
Baucus	Breaux	Chafee
Biden	Bryan	Cohen
Boxer	Bumpers	Conrad

Danforth	Jeffords	Moynihan
Daschle	Kassebaum	Murray
DeConcini	Kennedy	Packwood
Dodd	Kerrey	Pell
Dorgan	Kerry	Pryor
Durenberger	Kohl	Reid
Exon	Lautenberg	Riegle
Feingold	Leahy	Robb
Feinstein	Levin	Rockefeller
Glenn	Lieberman	Sarbanes
Graham	Metzenbaum	Simon
Harkin	Mikulski	Specter
Hatfield	Mitchell	Wellstone
Inouye	Moseley-Braun	

So the amendment (No. 2416) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. May we have order, Mr. President.

Parliamentary inquiry. What is the matter before the Senate?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2415 offered by the Senator from Kansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—93

Akaka	Faircloth	McCain
Baucus	Feinstein	McConnell
Bennett	Ford	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moseley-Braun
Boren	Grassley	Moynihan
Boxer	Gregg	Murkowski
Bradley	Harkin	Murray
Breaux	Hatch	Nickles
Brown	Heflin	Nunn
Bryan	Helms	Packwood
Bumpers	Hollings	Pell
Burns	Hutchison	Pressler
Byrd	Inouye	Pryor
Campbell	Jeffords	Reid
Coats	Johnston	Riegle
Cochran	Kassebaum	Robb
Cohen	Kempthorne	Rockefeller
Conrad	Kennedy	Roth
Coverdell	Kerrey	Sarbanes
Craig	Kerry	Sasser
D'Amato	Kohl	Shelby
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Smith
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford

NAYS—7

Chafee	Gorton	Specter
Danforth	Hatfield	
Feingold	Simon	

So the amendment (No. 2415) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we wanted to continue to move forward.

As I think the Members know, this legislation we had intended to be laid down at the very early part of the morning. Then, for various reasons, we did not get to this amendment until somewhat later in the day.

I think it has been a very important and constructive debate on a very, very important constitutional issue. As we have seen from the votes, this is a very important public policy matter.

We have probably 10 different amendments which we are prepared to deal with this evening. The major item that comes in different forms is on a question about the potential formula change. We are prepared to deal with that. I have been notified by two of those that have amendments that their materials have not been put into sufficient order to vote on those matters.

We have what we call the fight or flight; the vouchers in unsafe schools, Senator COATS and Senator DOLE, which we are prepared to deal with; Senator DANFORTH's amendment on single-sex schools; the longer year program, Senator SIMON; a private management amendment by Senator SPECTER; we have some prenatal care counseling, Senator SPECTER; a change in the IDEA provisions, by Senator GORTON; we have a potential one dealing with immigrants in the rural National Service Program. There may be others.

We have tried to indicate and give as much notice to our Members as possible on these votes. I anticipate, from conversations we had just a short while ago, that we will probably have two more votes. I hope that we can give an indication to the membership in a short while as to the time when those votes might be. We are in one of those circumstances where the managers are prepared to move ahead. I have talked to at least a half-dozen of these Members and urged them to bring these matters up. We have been—for whatever reason, there is a reluctance to bring them up this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am going to speak for a couple of minutes while Senators are working out this evening's arrangement.

ILLEGAL NARCOTICS

Mr. DECONCINI. Mr. President, some of our country's most terrible health and social problems result from the use of illegal narcotics. That has been overwhelmingly concluded in this

country. This includes crimes perpetrated by drug traffickers, as well as drug addiction; incarceration costs, which are ever escalating; lost productivity at the workplace, which has increased; health care costs, including emergency admissions to hospitals, which has gone up every year; AIDS; children born to drug-addicted parents; and a host of other problems with which we are plagued.

If we are going to make inroads in reducing the use of illegal drugs in our country, cooperation with source countries, under the new Clinton administration drug strategy to place more emphasis on the source country, is paramount, and we must proceed to do that.

I have questioned that, because I have had some qualms about taking emphasis away from the border and from the transit zone. We have tried to restore some of those.

But it is worthwhile to deal with the source country, particularly if you have a country that is friendly or cooperative in some nature. Ninety-five percent of the cocaine in our country comes from Peru, Bolivia, and Colombia. I am sad to say that most of that comes through the country of Mexico into the Southwest Border States.

In recognition of this particular situation, the President's new drug policy places a strong focus on the source country's activity, these particular three countries. These countries, through their own initiatives, collective efforts, and some cooperation with the United States Government, have made significant progress in regaining control of their nations and in attacking their illegal drug problems.

Needless to say, some of them have problems in the area of human rights, of which I am very, very aware.

These countries have come to the conclusion that they share our interest in the war against drugs because they, too, are experiencing the devastating consequences of drug trafficking. In addition to the tremendous cost in lives of both civilians and police on the front lines of this war, the drug cartels have the potential to subvert and corrupt the entire system.

Few countries are more key to this fight against drugs or have suffered a heavier price than the country of Colombia. Their interest in fighting drugs is demonstrated by their counternarcotic program, which is the most comprehensive program in the region, I must say. Any chance we have of disrupting the flow of drugs to our country is tied to cooperative efforts with the country of Colombia. The amendments which Senator GRAHAM and I offered to the Foreign Operations appropriations bill was an effort to ensure that our cooperative efforts would continue to go forward.

I look forward to furthering cooperative efforts to combat the drug trafficking and trade when the government

of Ernesto Samper takes office in August. The U.S. and Colombia have shared a long history of cooperative bilateral relations and have been able to forge a close relationship over the last 5 or 6 years in the war on drugs.

I was in Peru and in Colombia in February. We saw firsthand the cost that the Colombian people have paid for this drug operation. We also saw a genuine effort and an effort to do something about corruption.

Now, having said all that, it is clear that the Colombians still have a long way to go, and there was some evidence in the recent election of Mr. Samper that we are dealing with people who were connected or were in fact part of the drug cartel. He and his campaign and his new administration deny that. We have no firm evidence to confirm it. The person who was his treasurer is not part of the government, or has not been announced to be part of the government, and I am advised will not be part of the government. And he has stated that he did have some conversation with the wrong people and refused or denied or turned down any contributions.

Unfortunately, Colombia has a little bit of the same syndrome we have on election campaigns. They cost millions of dollars and they have to go to many sources to raise that kind of money.

We do have very good operating procedures in Colombia: Joint intelligence, communications, and other efforts are underway. We have capabilities in Colombia to assist them immensely. They need resources and they need some friendship.

I am prepared to give this new government some breathing room. I am not one who stands on this floor and says let us just go ahead and let it be business as usual.

Business as usual is a little different in Colombia for the first time since I have been in this body. In fact, they have demonstrated that they can deal with corruption and they have demonstrated that they are even prepared to use greater force than we do. They have a shoot-down policy on airplanes. They have demonstrated, with the very dramatic effort to get Mr. Escobar and in fact eliminate him, not in the course of constitutional rights under which we might have proceeded.

Both of our countries share the costs of the illegal drug trade, and both of our countries will reap great benefits from reducing it. The drug cartels are as much a threat to the Colombian Government and the people there as they are to us.

Moving forward in the war on drugs requires a strong commitment in reducing both the supply and the demand. So I look forward to a renewed effort with the Colombian Government, and I hope they will proceed with what they have represented to our Government and our people. The President-

elect, Mr. Samper, has sent forward his potential designees for Secretary of Defense, Secretary of Justice, and Foreign Minister to the United States to make the case, and I believe that they are well intended and will indeed proceed with the continued forceful operations that the previous government has made.

I am prepared to watch them and work with them, and I hope our Government is.

Mr. President, I yield the floor.

HEALTH CARE

Mr. BYRD. Mr. President, daily, as one turns on the television or reads the newspapers one is barraged with the propaganda of the warring forces on one of the most important and far-reaching proposals ever scheduled to come before this body—health care.

We have heard that health care will be scheduled, and I have every reason to believe that it will be.

Rarely has an issue been scheduled for debate that will potentially so impact the lives of each and every man, woman, and child in this Nation.

Paradoxically, rarely has an issue been so politicized or so noisily trashed or trumpeted by competing forces than this same issue—health care. Properly legislated health care reform could be of enormous benefit to millions of our citizens. It could provide the health security to which our people are entitled and of which so many are in need. Properly legislated health care reform could keep the deficit on its downward track and save billions of dollars. It could bolster our competitive posture in the world and provide needed fairness and equality in health care matters.

Improperly legislated health care could cost billions of dollars, lead to rationed medical treatment, exacerbate our deficit growth, and damage small business interests.

We are experiencing pressures from certain special interests urging Members of the Congress to vote for the bill. We see advertisements by other special interests on television, urging Members of Congress to vote against the bill. It is, then, critically important that we turn down the noise and cool off the rhetoric on this far-reaching issue.

Let us all remember that we have not even seen a bill yet in this Chamber. We have no final CBO estimates and no idea of how ambitious a proposal we are going to consider. Yes, it is true that we have multitudes of studies and estimates on the many draft proposals which have been offered. Indeed, one might go blind reading the studies and counter studies and the analyses of the costs of this proposal or that proposal. But at this moment we have nothing at all on the legislation which we will be asked to actually consider and debate

on this Senate floor. At the moment, it is a pig in the poke that we are being asked to vote for or to vote against.

Yet, the interest groups are swarming and the pulling and tugging on each Senator is enough to sever arms and legs from the corporal whole—and all of this before we have even seen a bill which we will be voting on.

Once again we are seeing the oversimplification and gross politicization of what is colorfully termed a "hot issue." I do not think the American people are ever well-served by these chaotic orgies that occur whenever there is a lot at stake in Washington. I lament the lack of a climate for cool, reasoned study and debate which is as rare in this town as any of the rarest of the endangered species. How can anyone fail to be influenced by the cacophony of noise and shrill rhetoric on this issue? One would have to take up residence in a cave like Timor of Athens, and then wear ear plugs to avoid the din. It may be well for us to remember Mark Twain's admonition.

Noise proves nothing. Often a hen who has merely laid an egg cackles as if she had laid an asteroid.

Let me say to my colleagues, this is no sense-of-the-Senate resolution that we will be fooling around with. Nothing less than the health, financial security, and the very lives of millions of people are being dealt with when we start to consider radical changes in the health care system of this Nation. In my home State of West Virginia 15.6 percent of the population has no health care coverage whatever. Many of our people have seriously inadequate coverage. It is clear that something needs to be done. However, with about 14 percent of our gross domestic product—I have heard it as much as 15 percent—there are varying figures—potentially impacted by changes in our health care system, we had better do whatever we are going to do with great care. A botched job of reform could be disastrous.

So I urge everyone on all sides of this debate to pipe down a little bit, slow down a little bit, pause and get very serious about the monumental task which lies ahead of us. This is no time—this is no place—for sloppy legislating. And certainly on this subject it could be disastrous.

This Senate is being looked to for wisdom and leadership by the Nation on a matter about which the people care very deeply. And, of course, the people of America naturally must feel that there is a bill that we all know about, that we have all read, that we are going to debate and amend and vote on.

I say there is no bill before the Senate. There is no bill that I have seen that purports to be the bill that is going to be debated in this Senate. There will be no political advantage for anybody if we fail to keep faith with

the people in this matter. They will watch and judge and rightfully hold us accountable for whatever we enact in the way of health care reform. There is no ducking this one. There is no finessing it. This health care legislation will have ramifications for years in every facet of our national life. Too timid a proposal could be hurtful to our people, while too broad a proposal could devastate our economy. Now is the time for thoughtful analysis and calm, reasoned thinking. It is my hope that in the coming days Senators will buy those ear plugs and locate that cave—perhaps in the Allegheny Mountains—until we see the legislation, until we have an opportunity to study and debate it. The Devil is in the details. So I hope that we will stop, look, and listen until we have the CBO estimates and begin a thorough, considered debate about where we are going on this most important and sensitive of measures.

Marcus Manilius, an early first century A.D. poet, once wrote:

(Human reason) freed men's minds from wondering at portents by wresting from Jupiter his bolts and power of thunder, and ascribing to the winds the noise and to the clouds the flame.

Let us inform the American people clearly through our debate and study of just what we are doing to their health care system, and not leave them or us to wonder at portents.

Mr. President, following the battle of Shrewsbury, in which the son of the Earl of Northumberland was killed, the son being Henry "Hotspur" Percy, the rebels gathered to assess the situation, and to determine whether or not and when and where and how they should go about continuing the rebellion against the English King Henry IV.

We find in Shakespeare, part II of King Henry IV, that the Archbishop of York, whose name was Scroop, and three of the Lords—Lord Hastings, Lord Mowbray, and Lord Bardolph—had gathered in the Archbishop's palace to review the situation, following the disaster in which young Hotspur had been killed. And it was Lord Bardolph, who uttered these cautionary words:

When we mean to build,
We first survey the plot, then draw the model,
And when we see the figure of the house,
Then we must rate the cost of the erection;
Which if we find outweighs ability,
What do we then but draw anew the model
In fewer offices, or at least desist
To build at all?

Mr. President, those words of caution might very well be applicable in this health care situation.

Before we begin this journey into the unknown waters of health care reform—and I am not saying we should not move out into those waters, but before we begin that journey—let us have a clear and cogent understanding of the bill. Let us first see the bill. Let us

have a clear understanding of just how far we are going to go, of how many other existing programs are going to be loaded onto the boat, and the cost of carrying that extra cargo. The American people and this Senate must have a firm understanding of how the canvas of our poor beleaguered budget is going to be stretched so that our boat will sail and not simply founder on the shoals of overcommitment and the rocks of too many good intentions.

Unless we do this, Mr. President, we may be confronted with the apparition of Banquo's ghost, which would sit at the head of an empty table for years or even decades to come.

I yield the floor.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, the pending business is still the education bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I ask unanimous consent to just speak for 3 minutes on another matter, and not have it interfere with any of the amendments to the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

JUDGE STEPHEN BREYER

Mr. DOLE. Mr. President, I want to take a few moments to respond to an editorial that appeared in yesterday's New York Times. The editorial, entitled "A Cloud on the Breyer Nomination," suggests that Judge Breyer should have recused himself from certain environmental cases because of his investment in a Lloyd's of London insurance syndicate. The editorial unfairly paints a picture of someone whose personal ethics are open to question.

Judge Breyer has denied any conflict of interest, testifying under oath that he never sat on any case in which he had reason to believe that Lloyd's was an interested party.

During his tenure on the First Circuit Court of Appeals, Judge Breyer also developed an elaborate screening system to prevent conflicts from occurring:

Each year, I am told, he provided the first circuit clerk with a list of his personal investments, including the Lloyd's of London investment. Judge Breyer typically requested that he not be assigned to any case involving any company in which he had an investment. In addition, Judge Breyer personally reviewed cases for potential conflicts and disclosed his Lloyd's investment on his annual financial disclosure report. Since these reports are available to the public, it gave liti-

gants the opportunity to seek the recusal of any judge whom they believed may have had a conflict.

Not surprisingly, several prominent legal and ethics experts have reviewed the Lloyd's investment, and the consensus view is that Judge Breyer complied with all relevant laws and ethical standards.

Mr. President, as someone who worked closely with Judge Breyer when he served as chief counsel to the Senate Judiciary Committee, I know first-hand that he is a man of integrity and good judgment. I cannot imagine Judge Breyer intentionally trying to enrich himself by issuing an opinion favorable to his own financial interests. In fact, throughout the confirmation process, no one has offered any plausible explanation of how Judge Breyer's environmental rulings may have benefited him.

I will not speculate on why the New York Times ran its misguided editorial, but I do know that there are those on the left side of the political spectrum who may not want a thoughtful moderate like Judge Breyer sitting on the Nation's Highest Court.

Unfortunately, if history is any guide, they will go to great lengths to achieve their goals, including trying to smear a good man's good reputation.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times editorial of July 26, 1994, entitled "A Cloud on the Breyer Nomination."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 26, 1994]

A CLOUD ON THE BREYER NOMINATION

Eager for swift confirmation of the Supreme Court nominee Stephen Breyer, senators of both parties are rushing to a floor vote without fully investigating significant ethical issues connected to the nominee's investments. This irresponsible failure by the senate leaves Judge Breyer with a cloud still hanging over his nomination.

Judge Breyer, who is Chief Judge of the U.S. Court of Appeals in Boston, answered the Senate Judiciary Committee's questions for three days and won unanimous clearance for a floor vote scheduled for tomorrow. But the committee failed to fully explore the judge's participation in pollution cases despite his investment in a Lloyd's of London venture that heavily insured asbestos and toxic pollution risks in this country.

At issue is Judge Breyer's compliance with the Federal recusal statute, which requires judges and justices to disqualify themselves when their impartiality "might reasonably be questioned." In addition, they must sit out cases where they have a financial interest in a party to a lawsuit or any interest "that could be substantially affected by the outcome of the proceeding."

Lloyd's was not a named party in any of the eight pollution cases in which Judge Breyer took part. But what if Lloyd's, famous around the world for insuring all kinds of major risks, were an insurer of a company involved in a pollution lawsuit? Judge Breyer did recuse himself from asbestos litigation but, curiously, not from other major

pollution disputes. Only senator Howard Metzenbaum saw fit to mention this inconsistency; the committee failed to question the nominee in detail about what steps, if any, he took to find out about Lloyd's involvement as an insurer.

Judge Breyer assured the committee that he had not violated the standard that requires recusal from cases that would have a "direct and predictable financial impact" on his investments. Yet *Newsday* has reported that Lloyd's was one of the insurers of a company involved in one of the eight pollution cases. That sounds like a direct contradiction of Judge Breyer's testimony. It warranted closer investigation. Could the judge have known about Lloyd's involvement? did he investigate the other cases sufficiently to guard against sitting in a case that might affect his financial interest? Again, the committee was not inquisitive, though Senator Arlen Specter has called for re-examining the recusal law with an eye toward having judges disqualify themselves if their investments are even indirectly involved.

As it turned out, Judge Breyer's ruling in that case might actually have gone against any financial interest of his own. But the judge surely showed bad judgment in failing to explore Lloyd's involvement, and the incident leaves one wondering how many other cases Judge Breyer ruled on that might have put his Lloyd's investment at risk.

Judge Breyer, a popular former staff chief for the Judiciary Committee and a moderate liberal, is being rushed through confirmation by democrats trying to please President Clinton and Republicans relieved at the nominee's moderate views. But his possible failure to recuse himself from cases whose outcomes might affect his financial interests has not been thoroughly explored. The Senate is voting on faith and political need, not knowledge. Based on the inadequate record in hand, Judge Breyer has not been shown to deserve the prize that will be awarded him by the Senate.

IMPROVING AMERICA'S SCHOOLS ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2417

(Purpose: To create a demonstration program to provide students who attend violence-prone schools with scholarships to enable such students to attend safe schools)

Mr. DOLE. Mr. President, I am, along with the distinguished Senator from Indiana, offering an amendment. We have revised the amendment and I am having copies made. But I thought maybe, in the interest of time, we could make our statements and then we will send the amendment to the desk.

I would add that I have discussed this with the Senator from Massachusetts, Senator KENNEDY, and the Senator from Kansas, Senator KASSEBAUM.

It may or may not be that we can vote this evening because one of our cosponsors, Senator LIEBERMAN, is not available. But we will just have to see what happens.

Mr. President, when I read the newspapers these days, it is hard for me to

imagine the violence that many students experience in our Nation's schools. I guess you could go back to when we were in school. When I was in school, we had a bully or two. But we did not have armed thugs—ones that would make Kim Il-song cringe—roaming the halls.

Let us not fool ourselves. Violence is not isolated to a few schools. In fact, it is nearing epidemic proportions. It happens in the inner cities, and unfortunately, it is happening in the Heartland and even in Kansas. I am saddened to say that we have had beatings and shootings in Wichita, Topeka, Kansas City, and even in some of our smaller towns like Junction City. These are not statistics. They are somebody's little girl or boy. And sometimes they are teachers and principals.

Earlier this year, Congress helped schools tighten security by passing the Safe Schools Act. That measure was definitely a step in the right direction. It seems to me, however, that more metal detectors will not give parents and their children the peace of mind they are entitled to. Parents deserve more options. They should not be forced to send their children to crime ridden schools.

Mr. President, since we passed the Safe Schools Act, I have found that many of my colleagues shared the same concerns. Over the course of the last several months, my office has worked closely with Senators COATS, LIEBERMAN, DANFORTH, and BROWN to find a way to give parents more alternatives. What we have come up with is Fight or Flight, a demonstration program that would help low-income parents send their children to safer elementary and secondary schools.

Let me give you a summary of what the bill would do.

Fight or Flight is a \$30 million demonstration that will target as many as 20 crime prone schools. It will be authorized under Goals 2000. For those States which wish to participate, only students from schools that the Secretary of Education designates as crime-prone will be eligible for educational vouchers that can be spent at both private and public schools.

Eligibility requirements.—Students will be eligible if they attend a violence-prone school and if they qualify for free or reduced priced meals under the National School Lunch Act.

Use of scholarship funds.—Funds can be used for tuition and fees, reasonable transportation costs, and parents can use up to \$500 to obtain supplementary academic services for their child. For students attending a private school, any remaining funds will be returned to the State to provide additional vouchers. Public schools, on the other hand, will be able to keep remaining funds.

National evaluation.—This amendment would require the Secretary to

compare the achievement of participating and nonparticipating students, and to assess the program's effects on increasing parental and community satisfaction and its ability to foster greater parental involvement.

No loss of Federal funds to public schools.—Public schools which lose students as a direct result of the demonstration may count such children for purposes of receiving funds under any program administered by the U.S. Secretary of Education.

Civil rights protection.—Participating schools may not discriminate on the basis of race. The amendment also stipulates that demonstration projects could not continue if they interfere with desegregation plans.

Finally, Fight or Flight is limited to a 3-year demonstration program.

Some say, "What happens at the end of 3 years? This is going to be another one of those unfunded mandates."

So we have revised our amendment to make certain this is a demonstration project, period. It is not an effort to start something and then leave it up to the States or local communities, what we call an unfunded mandate.

In short, this is a very simple amendment. If your son or daughter attends one of 20 violent schools, you can use fight or flight to send them to a safe school. I think that would make a lot of sense to a lot of parents in inner cities and, as I said, in middle-sized or smaller cities.

I am certain that few of my colleagues will argue that fight or flight will kill off some inner-city schools. Personally, I am more concerned about the students, more concerned about their safety. You can replace buildings, but you cannot replace children. And that is what this amendment is all about.

The bottom line is that students should have safe places to learn. If a school is crime-ridden, I see no reason why children should be forced to go there, especially if the only thing keeping them there is that their families cannot afford to send them to a better school.

Many of us have struggled with the so-called issue of school choice. I for one believe it is a concept worth testing. I am not saying that either public or private schools are inherently better. The point is that all Americans, rich or poor, should be able to choose the best education for themselves and for their children. By introducing an element of competition, we can encourage schools to work harder to provide the best possible education. But that is not what this amendment is about. It is about helping parents protect their children from the violence that seems to run rampant in some of our Nation's schools.

Mr. President, there are strongly held beliefs on both sides of the choice issue. I respect the beliefs of others,

but I think this may be an exception and I think we made and can make a good case.

I urge my colleagues to carefully consider this amendment. This is an opportunity to give students a safer education. If they are not being terrorized on a daily or weekly or monthly basis, it may offer a great opportunity for more learning, and a lot of good things could come from this particular amendment.

I want to particularly congratulate my colleague from Indiana, who has been the moving force on this amendment. I am very happy to join with him as a cosponsor.

I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. COATS, and Mr. LIEBERMAN, proposes an amendment numbered 2417.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1296, after line 25, insert the following:

**"TITLE XVII—FIGHT OR FLIGHT:
PROTECTING AMERICAN STUDENTS**

"SEC. 1701. SHORT TITLE.

"This title may be cited as the 'Fight or Flight: Protecting American Students Act of 1994'.

"SEC. 1702. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—
"(1) violence and crime have increased significantly in our Nation's schools;

"(2) it is estimated that 3,000,000 violent acts or thefts occur in or near schools, and that one in five high school students carries a weapon;

"(3) the incidence of violence and criminal activity within elementary and secondary schools threatens the school environment and interferes with the learning process; and
"(4) students have a right to be safe and secure in their persons while attending school.

"(b) PURPOSE.—It is the purpose of this title—

"(1) to provide children from low-income families who attend violence-prone schools with the option of attending safer elementary and secondary schools;

"(2) to improve schools and academic programs by providing certain low-income parents with increased consumer power and dollars to choose safer schools and programs that such parents determine best fit the needs of their children;

"(3) to engage more fully certain low-income parents in their children's schooling;

"(4) through families, to provide at the school site new dollars that teachers and principals may use to help certain children achieve the high educational standards called for by the National Education Goals; and

"(5) to demonstrate, through a competitive discretionary demonstration grant program, the effects of programs that provide certain low-income families with more of the same choices regarding all schools, including pub-

lic, private, or religious schools, that wealthier families have.

"SEC. 1703. DEFINITIONS.

"As used in this title—

"(1) the term 'choice school' means any public or private elementary or secondary school, including a private sectarian school, that is not a violence-prone school;

"(2) the term 'eligible child' means a child in grades 1 through 12 who—

"(A) is eligible for free or reduced price meals under the National School Lunch Act; and

"(B) attended a violence-prone school prior to receiving assistance under this title;

"(3) the term 'State' means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico; and

"(4) the term 'violence-prone school' means a school that—

"(A) serves an area in which there is a high rate of—

"(i) homicides committed by persons between the ages 5 to 18, inclusive;

"(ii) referrals of youth to juvenile court;

"(iii) youth under the supervision of the courts;

"(iv) expulsions and suspensions of students from school;

"(v) referrals of youth, for disciplinary reasons, to alternative schools; or

"(vi) victimization of youth by violence, crime, or other forms of abuse; and

"(B) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

"SEC. 1704. FUNDING AND RESERVATION.

"(a) FUNDING.—From amounts appropriated to carry out the Goals 2000: Educate America Act, the Secretary shall make available \$30,000,000 for each of the fiscal years 1995 through 1997.

"(b) RESERVATION.—Of the sums made available pursuant to subsection (a) for any fiscal year, the Secretary may reserve not more than \$1,500,000 over three years to carry out the national evaluation described in section 1711.

"SEC. 1705. PROGRAM AUTHORIZED.

"(a) AUTHORITY.—The Secretary is authorized to make not more than 20 grants nationally, on a competitive basis, to States to enable such States to carry out educational choice demonstration projects in accordance with this title.

"(b) AMOUNT.—The Secretary shall award grants under this title annually, and shall determine the amount of such grants by taking into account the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

"(c) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this title shall be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available to public elementary and secondary schools for the activities assisted under this title.

"SEC. 1706. SCHOLARSHIPS.

"(a) IN GENERAL.—

"(1) USE OF FUNDS FOR SCHOLARSHIPS.—Each State receiving funds under this title shall use such funds to provide scholarships to the parents of eligible children.

"(2) NUMBER.—Each State shall determine the number of scholarships to be awarded in such State.

"(3) AMOUNT.—(A) Subject to subparagraph (B), each State shall determine the amount of each scholarship in such State.

"(B) The amount of a scholarship under this title in a State shall be the same for every site in such State.

"(b) SPECIAL RULE.—Notwithstanding any other provision of law, the amount of scholarship assistance received under this title shall not be deemed to be income of the parents or child for Federal income tax purposes or for purposes of determining eligibility for any other Federal assistance.

"(c) CONTINUATION.—Subject to the limitation paragraph "d" each State receiving funds under this title may provide a scholarship in each year of the State's program to the parents of each eligible child to whom the State provided a scholarship in the previous year of the program, unless—

"(1) the eligible child no longer resides within the area served by a violence-prone school; or

"(2) the eligible child no longer attends an elementary or secondary school.

"(d) SPECIAL RULE.—If the amount of the grant made to a State under this title is not sufficient to provide all of the scholarships to the parents of each eligible child who is served by the State, then the State shall only be required to provide scholarships to parents of the eligible children who are from the lowest income families to the extent that they are funded.

"SEC. 1707. APPLICATIONS.

"(a) IN GENERAL.—Each State that desires a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(b) CONTENTS.—Each application described in paragraph (1) shall contain—

"(1) information demonstrating that the State will comply with the other requirements of this title;

"(1)(a) a definition of violence prone school using the parameters set forth in section 1703.

"(2) a description of the procedures to be used to provide scholarships to parents and to enable parents to redeem those scholarships, such as the issuance of checks payable both to parents and to schools; and

"(3) a description of—

"(A) the procedures by which a choice school will make a pro rata refund to the State for any participating eligible child who, before completing 50 percent of the choice school attendance period for which the scholarship was issued—

"(i) is released or expelled from the choice school; or

"(ii) withdraws from the choice school for any reason; or

"(B) another refund policy that addresses special circumstances the State can reasonably anticipate and that the State demonstrates, to the Secretary's satisfaction, adequately protects participating eligible children, in accordance with the purposes of this title.

except that no such refund procedure or policy shall require a choice school to refund any portion of funds received under this title due to a permanent change of residence of a parent of an eligible child for whom scholarship assistance under this title was awarded.

"(c) UPDATING.—Each such application shall be updated annually in such manner as the Secretary may determine necessary to reflect revised conditions.

"SEC. 1708. USE OF SCHOLARSHIP FUNDS.

"The Federal portion of any scholarship awarded to the parents of an eligible child under this title shall be used in the following sequence:

"(1) FIRST.—First, for—

"(A) the payment of tuition and fees at a choice school that is selected by the parents of the child for whom the scholarship was provided; and

"(B) the reasonable costs of the eligible child's transportation to the choice school, if—

"(i) the choice school is not the school to which the eligible child would be assigned in the absence of a program assisted under this title; and

"(ii) the parents of an eligible child choose to use the scholarship funds for such transportation.

"(2) SECOND.—Second, if the parents so choose, to obtain supplementary academic services for the eligible child, at a cost of not more than \$500, from any provider chosen by the parents that the State, in accordance with regulations prescribed by the Secretary, determines is capable of providing such services and has an appropriate refund policy.

"(3) THIRD.—Third—

"(A) if the child attends a public choice school, any remaining funds shall be made available to such school to enable such school to conduct educational programs that help students at such school achieve high levels of academic excellence; or

"(B) if the child attends a private choice school, any remaining funds shall be made available to the State to enable the State to award additional scholarships under this title in that year or the succeeding year of the State's program.

"SEC. 1709. REQUIREMENTS.

"(a) EFFECT ON OTHER PROGRAMS.—

"(1) IN GENERAL.—Eligible children participating in a demonstration project under this title, who, in the absence of such project, would have received services under part A of title I of this Act shall be provided such services.

"(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this title shall be construed to affect the applicability or requirements of part B of the Individuals with Disabilities Education Act.

"(b) COUNTING OF CHILDREN.—Notwithstanding any other provision of law, for purposes of receiving funds under any program administered by the Secretary, any school participating in a demonstration project under this title may count eligible children who, in the absence of such project, would attend such school.

"(c) INFORMATION.—Notwithstanding section 9 of the National School Lunch Act, a State receiving a grant under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration project under this title. All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

"(d) SPECIAL RULES.—

"(1) ASSISTANCE TO FAMILIES NOT INSTITUTIONS.—Scholarships under this title shall be considered to be aid to families, not institutions. A parent's expenditure of scholarship funds at a choice school or for supplementary academic services under this title shall not be construed to be Federal financial aid or assistance to that school or to the provider of those supplementary academic services.

"(2) ANTIDISCRIMINATION PROVISIONS.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraph (1), in order to receive scholarship funds under this title a choice school or provider of academic services under this title shall comply with the antidiscrimination provisions of section 601

of the Civil Rights Act of 1964 (42 U.S.C. 2000d), section 901 of the Education Amendments of 1972 (20 U.S.C. 1681), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(B) IMPLEMENTING REGULATIONS REQUIRED.—The Secretary shall promulgate regulations to implement the provisions of this paragraph, taking into account the purposes of this title and the nature, variety, and missions of choice schools and providers that may participate in providing services to children under this title.

"(e) CONSIDERATION OF FEDERAL FUNDS PROHIBITED.—No Federal, State, or local agency may, in any fiscal year, take into account Federal funds provided to a State or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to the choice school attended by such child.

"(f) STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any State from paying the administrative costs of a program under this title or providing any Federal funds received under this title to parents for use at a religious or other private institution.

"(g) SECRETARY.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program assisted under this title.

"(h) CONSTRUCTION.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

"SEC. 1710. PARENTAL NOTIFICATION.

"Each State receiving a grant under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served. At a minimum, such notice shall—

"(1) describe the demonstration project;

"(2) describe the eligibility requirements for participation;

"(3) describe the information needed to establish a child's eligibility for participation in the demonstration project;

"(4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;

"(5) provide a list of violence-prone schools located in the State; and

"(6) include the schedule for parents to apply for their children to participate.

"SEC. 1711. EVALUATION.

"From funds reserved under section 202(b), the Secretary shall conduct a national evaluation of the activities assisted under this title. Such evaluation shall, at a minimum—

"(1) assess the implementation of projects assisted under this title and such projects' effect on the participants, schools, and communities served under this title, including the degree of parental involvement in, and satisfaction with, the project and their children's education; and

"(2)(A) evaluate the educational achievement of eligible children who participate in the projects assisted under this title, during the periods—

"(i) before the provision of scholarship assistance under this title;

"(ii) during such provision; and

"(iii) after such provision; and

"(B) compare such achievement with such achievement, during comparable periods, of similar children who do not so participate.

"SEC. 1712. REPORTS.

"(a) REPORT BY GRANT RECIPIENT.—Each State receiving a grant under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(b) REPORT BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the demonstration projects assisted under this title, including information submitted by each State receiving a grant under this title and from other sources.

"(2) SUBMISSION.—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section 1711 within 9 months after the conclusion of the demonstration projects assisted under this title.

"SEC. 1713. ENFORCEMENT.

"(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

"(b) PRIVATE CAUSE OF ACTION PROHIBITED.—No provision or requirement of this title shall be enforced through a private cause of action."

Mr. COATS. Mr. President, I want to join the minority leader in offering this amendment. We have been debating over the last several years the concept of school choice. I am particularly pleased to be able to merge the amendment that was originally, I believe, offered by Senator HATCH, which I have offered several times in the last 2 or 3 years, to merge this with an idea that the minority leader has come up with that I think has a lot of validity. Because it takes a concept that has been advocated and that I think has a great deal of merit and marries it with a particular problem that exists in many of our inner-city schools. It is that concern that parents have about the safety of their children, along with their concerns that their children receive a good education, that has been brought together in this particular amendment that the minority leader has just sent to the desk.

Let me detail some of the reasons why I believe this particular amendment is needed.

The memory of rushing her son off to school on February 22, 1993, still haunts Margaret Ensley.

"He was so slow, he just moved so slowly," she recalled. "I kept after him: 'hurry up, you'll miss the school bus.' * * * I hurried him to his death."

That morning, Michael Ensley was shot dead by a 15-year-old classmate during a snack break at Reseda High School.

Michael Ensley's story, unfortunately, is not an isolated case. Many of our schools are becoming increasingly violent places.

In 1992, 9 percent of 8th graders, 10 percent of 10th graders, and 6 percent of 12th graders reported that they had brought a weapon to school at least once during the previous month. Not once in their school career, but once during the previous month.

Nearly 3 million crimes occur on or near schools every year; 16,000 take place each day, or one every 6 seconds.

Nationwide, between 1986 and June 1990, at least 75 people were killed with guns at school, over 200 were severely wounded by guns, and at least 242 were held hostage at school by gun-wielding assailants.

The violence is so widespread that children today are afraid to go to school. "I'm scared. I'm still scared," said Glenn Browne, Jr., who lost a kidney after being shot by an 18-year-old gang member at Dorsey High School in Los Angeles. "I'm scared that they will come back and get me." As President Clinton has pointed out, Glenn Browne is not the only child to go to school. I quote the President:

A hundred and sixty thousand kids stay home everyday from school, because they're worried if they're going to be safe at school. Are they learning anything? Are they going to be competitive workers?

The answer is no. No child can live, let alone learn, in such an environment. No child should be forced to attend a crime-ridden, drug-infested school.

But, unfortunately that is too often the case. Children are forced to attend unsafe schools simply so that school buildings can remain open. That is why the Senate passed the Safe Schools Act, offered by our colleague Senator DODD, from Connecticut, to provide assistance to schools to help them fight violence. And I supported that bill and I think it is a step in the right direction. But it clearly has not solved the problem or will not solve the problem.

Installing metal detectors and hiring security guards is not enough. Just ask 14-year-old Michelle McKie. Michelle was shot in the head just 400 feet from her metal-detector-equipped school. Michelle was one of the lucky ones because she lived. Children like Michelle and George and Michael should not have to fear going to school, but parents with limited means do not have the luxury wealthier parents have, the ability to afford to live in safer neighborhoods or send their children to safer schools.

It is easy—at least available—for affluent families in America to make a choice as to where they send their children to school. If they are unhappy with the local school, or unhappy with the public education system or the school which their children are going to, private or public, they can place their children in another school—in a parochial school or private school, giving their children what they believe are opportunities for a better edu-

cation. That is true for those with means. That is not true for children from low-income families. In many of our inner cities and in many of our rural areas they simply do not have the choice or the financial wherewithal to make any decision other than sending their child to the public school.

Public school systems as we know have tried all kinds of different innovations. They have reduced the size of classes, they have increased the length of the school year, they have raised teachers' salaries, they have lowered expectations, they have painted buildings, installed metal detectors, encouraged ethnicity, focused on self esteem. The bottom line is that most of these changes have not truly made a difference in educating children. They have not significantly altered the quality of education provided to these students. And they obviously have not improved results as measured by SAT scores or other tests—we have actually seen a reduction in these scores.

So the truth is, for low-income American families there is no choice about where they send their children to school for educational purposes. There is no competition within the system to force or to bring about innovative changes to make those schools better. And most important in terms of this amendment, there is no choice on the part of low-income parents to remove their child from an unhealthy, unsafe situation with the option of placing them in a safer school so they have the opportunity to learn.

Mr. KENNEDY. Will the Senator yield? I understand Senator LIEBERMAN is returning momentarily, prepared to speak on this. Just to try to give our colleagues an idea—I plan to stay here. If it is agreeable, we would be glad to enter into a time limitation, just in terms of the notification of the Members.

Mr. COATS. Mr. President, I will be happy to do that. As a Senator who has pressed long and hard for some scheduling sensibility, in terms of what we are going to do and when we are going to vote, particularly in the evening, I am more than happy to enter into a time agreement. I have, obviously, not had a chance to check with Senator LIEBERMAN or others. I would think before I am finished with my statement we can quickly run a check and find out how many other Members want to speak and how long they want to speak. It is perfectly acceptable to this Senator to work out a time agreement and set a vote if that is what is necessary.

Mr. KENNEDY. We will try to pursue that. From our side, I know Senator DODD wanted to speak, but I do not think we would, on our side, take more than probably 20 minutes or so. We will see what the desire is.

Mr. COATS. I would state to the Senator I think that is probably going to be roughly what we would need.

Mr. KENNEDY. Just to give Senators information, in that time we will try to indicate to the membership, at that vote, in consultation with the leader, what the rest of the evening will look like.

Mr. COATS. The Senator does anticipate a vote, then, following the debate?

Mr. KENNEDY. On this matter this evening, yes.

Mr. COATS. To continue, we have had a number of discussions about the concept of choice on the Senate floor. In fact, I offered an amendment in February and received 41 votes. That amendment was offered to provide demonstration programs for the choice concept—a \$30 million authorized amount—that could be used in schools, 6 different schools, to test the concept of choice with a report back by the Secretary of Education to the Congress after a 2-year period of time so we could determine whether or not this concept was valid, in terms of improving educational opportunities.

During that debate, however, the Senator from West Virginia, Senator BYRD, came down and began discussing the amendment in terms of the crime and violence situation that exists in many of our schools. It was really that Senator's lengthy and important discussion of that aspect of the choice amendment that prompted Senator DOLE and I, and others, along with Senator LIEBERMAN, to adjust our amendment to primarily focus it on schools in low-income areas and high crime areas. What we are attempting to do is provide opportunities to parents of children who have no options, either relative to improving their educational opportunities given the local school that becomes their only choice, or in terms of increasing or improving their safety—which obviously has an effect on learning.

So the essence of this amendment is to direct the demonstration project—I want to stress this is not a mandate. This is purely a voluntary effort to stretch that opportunity relative to crime infested and violent areas and give parents a choice in that regard.

I do not know whether or not choice is the answer to all the problems with our educational system. I do know that what we have tried to date has not succeeded. Therefore, this idea, which I think is an innovative idea—and I think there are some examples of how it has worked around the country that we ought to look at—but I think it is an innovative enough idea with enough promise that we at least ought to try it.

So all we are doing with this amendment is simply saying try it. If the proponents of choice are correct, we will have some evidence to suggest that perhaps this is something we want to expand. If the opponents of school choice are correct in their assertions that it will not work, we will have evidence of that before the Senate. So, our

message is, "Try it, you might like it." If you are right and it does not work, then you will know. But why not at least give it a try?

So the amendment we are offering today is very simple. It says let us set aside a small amount of education dollars to allow low-income children to escape from violent schools. Our amendment would go specifically for the purpose of providing assistance to children from the lowest income homes who are trapped in violence-prone schools. The children who would be eligible under this program would be children who qualify for reduced school lunch prices or full subsidy on school lunch and income-based measurement.

A violence-prone school is defined using the same criteria used in the Safe Schools Act which was passed by the Senate. Senator DODD in that legislation outlined criteria which were used then, or will be used under this amendment, to define what a violence-prone school is. So that legislation is already in place. That has been adopted by the Senate.

The funds that would be made available under this amendment could be used to opt into and to pay for education costs at alternative schools. It would be the parents' choice as to which school they could send their children.

There is no limitation. There is no restriction, yet there is no proscription of what school needs to be chosen.

Mr. President, it is also important for Members to know that we have incorporated a very strict civil rights and desegregation protection clause to make sure that participating schools can, in no way, discriminate on the basis of race.

We also stipulate that demonstration projects cannot continue if they interfere with these segregation plans. So Members should be aware that nothing in this demonstration choice project can be used to thwart any desegregation plan or violate any civil rights of any student. No decisions, in terms of participation, can be made on the basis of race.

The total cost of the demonstration project would be a \$30 million annual amount, and there would be no more than 20 schools that could participate. Schools would voluntarily apply for grants through the Secretary of Education.

It is also important to note, Mr. President, that we have specifically protected public schools from the loss of income that they might receive under the Elementary and Secondary Education Act because we do not want schools to be in a position where they will be penalized for losing students who have opted out because of the choice program that is available to parents and students within that particular area.

My home State of Indiana has several existing choice initiatives underway.

One program originated by an individual in our State pays half the tuition for children from low-income families to attend private schools. The program serves already 1,100 students and has a waiting list of 650. Our public schools are also experimenting with choice. Indianapolis public schools, for example, have initiated the Select Schools Program. More than 80 percent of parents participated this year.

I really do not understand why anyone would want to oppose this particular amendment. It is not a mandate, it is purely voluntary. It provides a basis for which we in Congress can evaluate the validity of this particular concept. As I said, if it turns out that it substantially improves opportunity for low-income children, then why would we not want to provide that data to school districts and education agencies across the country? Why would we not want to have that set of information available so we can make intelligent choices? After all, our bottom line is not preserving any particular system. Our bottom line ought to be how do we provide the best education opportunities we can to American children?

In this particular area, we have denied that opportunity to children from low-income homes simply because they do not have the opportunity of choice as other students do from homes of increased means.

It is important to understand what the amendment does not do. It does not force choice on anyone. It is purely voluntary. It will not upset the American public education system. We are doing this simply on a voluntary basis. It will not drain resources away from any public school or education system. We have a specific protection against that. The Secretary cannot provide any reduction in funds or deny any funds that a public school would otherwise be eligible for, even though students in that school opted out or numbers decreased. It cannot adversely affect the amount of funds available at this time.

Choice in education does not destroy public education. In fact, I would argue that it enhances public education. My hometown of Fort Wayne, IN, has had for decades an education system that has thrived on competition. We have a vigorous, effective Catholic parochial school system in Fort Wayne. We have a vigorous, effective Lutheran school system because of our heavy concentration of Lutheran belief. They have established their own system of schools. Those two systems exist alongside, I would say, with other private education opportunities, side by side with the public schools of Fort Wayne, IN, and all are successful.

They are successful because the parents and the students of Fort Wayne, IN, have a choice. The competition between those three systems has caused each system to better their education program, to compete with each other

for the students and they work hand in hand. Parents in Fort Wayne have opportunities which parents in many States do not have.

Why do we not give this option to other schools, to other areas and, particularly, why do we not make it available to students of low-income parents in violence-prone areas?

I think there are many rational reasons to vote for this amendment. But I am going to close and give you 10 reasons to vote for this amendment. Reason No. 1, Michael Ensley; reason No. 2, Jose Luis Lopez; reason No. 3, Michelle McKie; reason No. 4, Cecilia Rios; reason No. 5, Demetrius Rice; reason No. 6, Glenn Brown, Jr.; reason No. 7, Gabriel Gettleson; reason No. 8, Jerome Cook; reason No. 9, Robert Tran; and reason No. 10, Jarrell Tompkins—all students, tragic stories of students injured or killed, subjected to violence because they had no choice as to where they could go to school.

Mr. President, I ask unanimous consent that the 10 examples be printed in the RECORD. I will not take my colleagues' time in reading these tragic cases.

There being no objection, the material was ordered to be printed in the Record, as follows:

VIOLENCE IN SCHOOLS

"A hundred and sixty thousand kids stay home every day from school, because they're worried if they're going to be safe at school. Are they learning anything? Are they going to be competitive workers? If you have the school drop-out rate, the poverty rate among kids, the level of crime and violence, if we spend money putting people in jail that we should be spending educating people on new technologies. All of these things drag our capacity down."—President Bill Clinton (from CNN, Larry King Live), April 20, 1994.

No one should need a reason to support the Coats-Dole amendment. But just in case anyone does, here are ten:

1. Michael Ensley.
2. Jose Luis Lopez.
3. Michelle McKie.
4. Cecilia Rios.
5. Demetrius Rice.
6. Glenn Browne Jr.
7. Gabriel Gettleson.
8. Jerome Cook.
9. Robert Tran.
10. Jarrell Tompkins.

TRAGEDY ONE

The memory of rushing her son off to school on Feb. 22, 1993 still haunts Margaret Ensley. "He was so slow, he just moved so slowly," she recalled. "I kept after him: 'Hurry up, you'll miss the school bus.' . . . I hurried him to his death." That morning, Michael Ensley was shot dead by a 15 year old classmate during a snack break at Reseda High School in Los Angeles, CA. (Los Angeles Times, February 20, 1994)

TRAGEDY TWO

Miquel Camarena, 19, faces life in prison without the possibility of parole for the murder of Jose Luis Lopez, a 17-year-old varsity soccer player who was shot in the head as he drove to school in Santa Ana, CA. Two days before the shooting, Camarena had lost a fistfight with the victim's brother. (Los Angeles Times, June 11, 1994)

TRAGEDY THREE

A sixteen year old teenager who told police he was "field-testing" a friend's handgun shot a Queens, NY high school student in the head outside her school, causing her to lose sight in her right eye. Michelle McKie, 14, a sophomore at Springfield Gardens High School, was about 400 feet from the building—which is equipped with metal detectors—when she was struck in the right temple. (Newsday, May 25, 1994)

TRAGEDY FOUR

In San Pablo, CA in March 1994, the body of Richmond High School student Cecilia Rios, 15, was discovered in a stairwell at Edward M. Downer Elementary School. She had been raped and brutally murdered, police said, by a 17-year-old acquaintance whose motive was robbery. (San Francisco Examiner, April 25, 1994)

TRAGEDY FIVE

In January 1993, Demetrius Rice, a 16-year-old student at Fairfax High School in Los Angeles, CA was shot to death by a classmate who accidentally fired a .357 magnum during an English class. (Los Angeles Times, February 20, 1994)

TRAGEDY SIX

Glenn Browne Jr. was shot by an 18-year-old gang member at Dorsey High School in Los Angeles, CA while he was waiting in a registration line on the first day of school. Glenn lost a kidney and will never again participate in sports. "I'm Scared—I'm still scared," said Glenn Jr. "I'm scared that they will come back and get me. I think about my body (and) how messed up I am. I can't play football or any sports at all. I can't really do nothing." The gang member who shot Glenn was looking for someone else. (Los Angeles Times, February 20, 1994)

TRAGEDY SEVEN

17-year-old Gabriel Gettleson was shot and critically injured at Chatsworth High School in Los Angeles, CA when he refused to give his backpack to two boys. Gettleson was waiting for his mother to pick him up and take him to his job. (Los Angeles Times, February 20, 1994)

TRAGEDY EIGHT

In March, Jerome Cook, 17, was shot four times at close range by Cornell Cheeks, 17, in a crowded stairwell at Eastern High School right here in Washington, DC. (Washington Times, March 10, 1994)

TRAGEDY NINE

In San Francisco, CA in February 1994, Wallenberg High School student Robert Tran, 17, was shot to death by a teenager with a .38 caliber revolver, three blocks from the Inner Richmond District campus. Tran's offense: intervening in a fight at a bus stop. (San Francisco Examiner, April 25, 1994)

TRAGEDY TEN

Jarrell Tompkins, 15 years old, has been wondering how to protect himself at Intermediate School 52 in Melrose in the Bronx ever since a classmate grabbed him and pressed a razor to his throat in a hallway robbery. (New York Times, December 12, 1993)

Mr. COATS. Mr. President, these are reasons why the Dole amendment is necessary. Let us give it a try. Let us see if it works. If it does not, then the opponents can say we tried it and it does not work, let us move on to something else. If it does, maybe we can make some opportunities to young people. I think that should be our goal.

I will be happy to either yield the floor or submit for a question.

Mr. JEFFORDS. Mr. President, this certainly is intriguing the way the Senator describes it. My question is, when we put in place a demonstration program, we have in mind that it is going to lead to some sort of goal that will solve the problem. In this case, the problem the Senator from Indiana is pointing out is violence in the schools.

I am a little confused as to how removing kids from the violent area and placing them in another area is going to help solve the underlying problem of violence in the schools. I expect that it may show that the children who leave the schools do better, but I do not believe that it addresses the central issue of making these schools safer places for our children to attend. How will this program solve the problem we have here which is the violent schools themselves? What will this demonstration program accomplish other than moving everybody out of the school?

Mr. COATS. There are two problems we are dealing with. One is how do we improve educational opportunities and the quality of education for young people. That was the original intent of the choice amendment that I offered in February.

It will demonstrate, as if we need the demonstration, we can demonstrate and we can allow the Secretary of Education to test the concept and report back to us as to whether or not the educational advantages and opportunities that many parents think their children will have if they have a choice of schools, whether or not that is a valid concept.

But it will also give parents who select into the choice program because they happen to live in violence-prone areas an opportunity to provide a safer learning environment for their young people. It does not solve the problem of crime in schools. The Safe Schools Act which we passed is more directly related to solving this specific problem, and we have to solve that problem.

But in the meantime, why do we not at least allow, on a test basis—we would like to do it on a greatly expanded basis, but we cannot get the votes for that—why do we not at least allow on a test basis a concept that we can report back to the Congress and see what difference it might have made.

Mr. JEFFORDS. Just to follow up, it seems to me that the Senator from Indiana already thinks he knows what the outcome of this test will be and that he just wants to develop a school choice program. Certainly, if it does not work with schools in violent areas, choice is not going to work anywhere.

However, I still do not understand how this program will solve the school violence problem for those unfortunate kids who have to remain in the school. The Senator gave a list of kids' names.

Next year there will be different kids. There will always be kids attending violent schools if we do not solve the basic problem. Not all of the children will go to private schools. I am a little confused as to what we are going to learn from this demonstration project, other than what we might expect, and that is kids in safe schools will do better than kids in violent schools.

Mr. COATS. As I said, we are attempting to reach two goals. One of those goals is directed to give the parents the opportunity to protect their children. One of those goals is to be able to tell the parents of these students whose names I have read, Michael Ensley's mother and Jose Luis Lopez' mother and father, and Michelle McKie's mother and father, that they do have a choice; that they will not be strictly limited by their income; that they will have an opportunity to send their young people—remove their child from a school that they know is not only not contributing to their learning but is so violence-prone that their very health and safety is in jeopardy.

Now, it may send a signal to some of those inner-city schools that unless they can find a way to provide a safer environment, that school ought to close. But I think the safety of the students ought to be our primary concern, not whether or not the building remains in a particular location. As Senator DOLE said, maybe some inner-city schools will have to close because we will not be able to solve the problem, we will not be able to come up with enough metal detectors or security guards to provide parents the assurance that their children will be safe. And if that is the case, rather than perpetuate a system that, number one, is not educating those children, but, number two, cannot keep them safe, why not at least look at alternative ways to provide education to our young people. It may mean moving the whole school to another location, if that is necessary to provide a learning environment and safety for the students.

Mr. JEFFORDS. One more question, if I may. As the Senator knows, there are numerous sources of funding that the Senator could have tapped into for funds to support this demonstration. In this bill, for example, there are a large number of demonstration projects. In addition, this type of demonstration program seems particularly relevant to the Safe Schools Act. Why did the Senator choose to take funds from the Goals 2000 program, funds that are designated as planning money for States, not for demonstration programs?

Mr. COATS. My understanding is that because the Goals 2000 funds became available last month, just last month, only one State, Hawaii, was ready to apply for those funds, so those funds are sitting there unused at this particular time. We thought this was an appropriate way to use the funds.

As the Senator knows, we are all searching for scarce resources, and if it is not one it is another. But I just think that out of the very substantial—how much is this bill?

Apparently the section that we are dealing with is a \$400 million-some section, and we are allocating \$30 million out of this section for this particular purpose. We think it is a worthy demonstration project and would make good use of those funds.

Mr. JEFFORDS. Is my memory correct that the Senator voted against the Goals 2000 bill?

Mr. COATS. It is. But not for that reason. I voted against it because the opportunity-to-learn standards I thought imposed Federal mandates and Federal restrictions on States and decisions that I thought ought to be made at the State and local level now had the potential of being usurped at the Federal level.

But that was a different reason for voting against that bill than what we are talking about here. Just because I voted against the bill does not mean that I am not willing to tap some of the funds for what I think is a better purpose.

Mr. JEFFORDS. I think that is rather obvious. I thank the Senator.

Mr. COATS. Mr. President, we are waiting for Senator LIEBERMAN, who is a cosponsor with me and Senator DOLE on this amendment.

I would note that it is a bipartisan effort, Republicans and Democrats concerned about the serious problem we have in many of our public schools, particularly our inner-city schools, joining together to try to fashion an idea and a solution—at least test the concept. I think it is a modest effort, hopefully one that would be proven to be successful so that we could expand it in the future. I do not see what Members have to fear about testing something. That is what this is designed to do. It is a demonstration project allocating \$30 million.

I will yield the floor at this particular time. My colleague, Senator LIEBERMAN, has just arrived and Senator KENNEDY perhaps wants to respond. So, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have talked with the majority and the minority leaders and the floor managers, and they are prepared to have a vote on this up and down at 8:15, with no other amendments to be in order prior to the disposition of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered. The vote will occur at 8:15.

Mr. KENNEDY. Mr. President, we have now 20 minutes, so why not have the Senator from Connecticut, if he would, take 5 or 6 minutes, and then I think Senator DODD and I would share

the remaining time, if that is agreeable.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am proud to join with Senators COATS and DOLE in a bipartisan effort to give school choice a chance to prove itself as one solution to the problem of educating poor children in America.

We all know the tragic record of public education in some of America's poorest neighborhoods. Children have to worry more about getting shot than learning. And more and more people are becoming convinced that the answer is just not more money. If the bureaucracy of education in poor cities and towns is broken, additional money may be wasted—not invested in our children.

That is why many of us are looking for new answers to this education crisis. We want big change because we recognize how damaging the status quo is to America's children in particular, and American society in general. Who can deny that the lack of a good education is directly related to the problem we are focused on like crime, welfare, dependency, unwed mother-and-fatherhood, unemployment?

In both Goals 2000 and in Improving America's Schools Act of 1994 we have made a concerted effort to build a new framework for educational change, innovation and effectiveness at the local level. The charter schools program, a concept developed and implemented at the State and local levels and which provides for new and innovative public schools is an example of that new framework for choice now supported by these two bills. It is in this spirit of innovation, of building a framework for choice and a realization that localities have the best insight to implement change that works, that this amendment is offered.

The amendment simply establishes a program of demonstration projects for school vouchers which would empower the parents of poor children, especially those exposed to violence in their schools, to choose a private, parochial or public school instead of being given no choice at all. It will give poor children the same educational options middle class children now have. Faced with the loss of children, the program could motivate public schools to be more competitive, to react much more forcefully in tackling their problems. The legislation tries to replace a bureaucratic framework with a competitive framework to drive improvements. Our proposal is modest, inexpensive and potentially revolutionary in its impact if it succeeds and adds another degree of freedom of choice for our communities.

School vouchers represent fairness. People who are poor have relatively few choices in life. But one important

part of their life that I believe they deserve a choice is when it comes to the education of their children.

Given the choices, I believe many poor parents will choose to send their children to better public schools or to private * * * and particularly to private parochial schools. There is evidence that parochial schools are a great alternative to public schools for some students. For example, a Rand Corp. study evaluated the performance of a comparable group of black and hispanic children at Catholic parochial schools and public schools. The study showed that the gap in performance between minority children and all other children dropped significantly in the parochial school system.

The Rand study also found that these parochial schools performed better because they had a rigorous academic curriculum, were independent of the stifling effects of too much bureaucracy, and they could provide students with more attention. I personally believe the success of parochial schools also has something to do with a special sense of mission, purpose and values.

Some people are concerned that extending vouchers to low income students will harm, or even destroy, public education. That is nonsense. What we are trying to do is recognize that some of the schools in the most economically depressed parts of our country are failing our children. This is not another program which will result in moving the advantaged student out of the public school system. This is however all about whether schools which have been successful at educating those who can afford choice can also be successful at educating those who we now provide the opportunity of choice. It is a program in which families can provide their children with an opportunity of a quality education instead of waiting for future solutions provided in this fine bill to take effect but which in all likelihood will be too late for their own children.

We need to, first give students a choice so they can make a better life for themselves. Second, we must create competition for the established bureaucracy and the failing schools that can result in the kinds of changes that money can't buy * * * changes in the quality of what is taught, and the environment in which it is taught. This demonstration program will help all schools, including public schools, learn new ways to meet the needs of some of our most disadvantaged students.

So today I join with Senators COATS and DOLE in saying give choice a chance. If it works, we can expand it to the benefit of millions of young people throughout our country. If we do not try, we will never know how much it could have helped. We will only know that the current system until it is drastically changed, will go on, failing too many of our kids, especially those who need the most help.

In conclusion, Mr. President, I am glad to join with my colleagues from Indiana and Kansas in supporting this amendment which again puts before the Members of the Senate the choice of whether we are going to allow choice for parents of children in our school systems to send their kids to a range of alternatives to educate them. And really more specifically this is a question of whether we are going to give children in poor families the same opportunity that children in wealthier families have to go to the school of their choice if they are not satisfied with the public school in their area for various reasons, either the quality of education or, as this amendment points out, the quality of safety and security.

Mr. President, in so many ways we come back on this floor to matters that deal with the public's concern about values and the erosion of values in our society. And the concern of so many parents I talk to in Connecticut about how they can raise their children in this society in the way that they want to raise them. So many parents have said to me that they feel in conflict with other forces in society—entertainment, peer pressure—and so the values they want to give their kids are harder to carry forth.

The public schools in the United States have been really given too many burdens, asked to answer and respond to so many social crises that I express in the first instance my admiration for so many of the administrators and teachers who are doing such extraordinarily good work in our public school system, but the fact is that the public school system as we know it, of which I am proud to say I am a product and supporter, the public school system, unfortunately, is failing many of our children, failing to educate them, prepare them, give them not only the skills but in some measure the values that we want them to have to be successful, self-sufficient, and in the broadest sense be good citizens.

The idea of school choice I think proceeds from these principles, and it is to give parents a choice of where they can send their kids. To do so, to recognize and honor that parental role but also to create some competition in the school systems so that through that competition hopefully the public schools, which are our main responsibility, will become better.

Mr. President, my interest in school choice, I will be frank to say, also has one of its origins in my own observations of the religious or parochial schools in the State of Connecticut, performing I think with remarkable effectiveness, performing with remarkable effectiveness and value this educational function particularly in cities with poorer areas, with a real sense of mission.

Mr. President, I made reference to a Rand Corp. study that evaluated the

performance of a comparable group of poorer children at Catholic parochial schools and public schools and showed that there was a remarkable gap in performance.

That is to say, the gap in performance between poor children and minority children and the rest of the population diminished dramatically in the parochial school system. The Rand study found that these parochial schools perform better because they had a rigorous academic curriculum, were independent of the stifling effects of too much bureaucracy—which unfortunately burdens some of our public school systems—and they were provided more attention.

I also must say that part of this study said that the students in the parochial schools did better because all the students were held to a higher standard and were, in a sense, given the courage and confidence to believe that they could do better, and, as a result, did better. I personally believe that the success of these schools has a lot to do with the sense of mission and purpose and values of those who run them.

So many of these schools in urban areas are suffering financially. So many have failed in the last decade that we have this anomaly of a separate school system that is performing a public function so brilliantly and yet does not have the wherewithal to go forward.

In part, this amendment, which recognizes and honors the capacity of parents to choose where they want to send their children also is an attempt to provide an alternative that will give their children the values that we miss in our society.

Mr. President, I ask for a moment more to conclude my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, let us talk briefly—

Mr. KENNEDY. Mr. President, reserving the right to object, what was the request?

Mr. LIEBERMAN. Two moments more.

Mr. KENNEDY. Reserving the right to object, we have an agreement for a vote at 8:15. Other Members have complied with that. I want to be fair to all the Members.

Mr. LIEBERMAN. I would have objected, if I had known that the limitations were going to be that strict. I will take a minute and enter my statement in the RECORD.

The point is that this is a test. Are any of us in this Chamber so secure about the success of our current school system and so sure that we do not want to give more choice that we are not even prepared to test how a choice system will affect parental rights, education of our children, and, yes, public

schools, and come back after 3 years and decide, based on that test, whether we should go forward or terminate it and realize that there is nothing more to do?

Mr. President, I say that our schools are failing a lot of our children. The choice is one way to better educate them, better prepare them, and it is at least worth the test provided in this amendment.

I thank the Chair.

Mr. KENNEDY. Mr. President, how much time remains for those opposed?

The PRESIDING OFFICER. Twelve minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut and to Senator BYRD whatever time remains.

Mr. DODD. Will the Senator yield? Is there time left for anyone else?

Mr. KENNEDY. The Senator from Connecticut has 4 minutes. We have agreed to have a vote at 8:15 by consent, since we worked that out with the majority and minority leaders.

Mr. President, I yield myself 3 minutes and the Senator from Vermont 2 minutes.

Mr. President, one thing that does not have to be demonstrated is whether children learn better in a safe school rather than in a nonsafe school. The idea that we have to have a demonstration program of \$60 million for that really is not a very, very significant persuasive argument. We know from all the national assessments, from all of the State assessments, and from the assessments made in title I that children learn more in terms of a safe school. That is No. 1. We have to ask ourselves. Does this really add to the whole issue of violence prevention in our schools?

Over the period of this last year, in our Goals 2000 bill, we have important authorization for grants to school districts for violence prevention. I am a conferee on the crime bill. We have \$100 million for school safety in there. We have the community schools program of \$500 million over 3 years to support after-school summer activities to provide alternatives to violence; the prevention council of the Senator from Connecticut [Mr. DODD], to support community-based activities; drug-free schools. There is \$500 million in this bill to do the same kinds of things to deal with the problems of violence and, also, of substance abuse.

We are attempting to deal with that. And the idea that we have another program to try to deal with that, I think, at this time takes scarce resources that are out there to support this effort for needy children. That is what the ESEA program is all about. It is about needy children. To take scarce resources out of that kind of program makes no sense.

It is basically a voucher program. It is as plain and simple as that. We know that. This amendment is called "fight

or flight." If we adopt the amendment, we will be giving up the fight and encouraging only the flight.

By giving the vouchers to children in unsafe schools, this amendment would abandon the schools that most need help. Effectively, as the Senator from Vermont pointed out, we would be abandoning all the other children in those schools. We need to help them as well. So instead of flight, we should take up the fight against school violence.

I believe we have made an important downpayment on that program. We will need the help and the support of all Members. But I hope that this measure is not accepted. We should not abandon our public schools. We should make them safer and more substance free.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Connecticut is recognized for 4 minutes.

Mr. DODD. Thank you, Madam President. Let me thank my colleague from Massachusetts and the Senator from Vermont.

It is a rare occasion that I differ with my colleague from Connecticut on issues. But on this issue, we fundamentally disagree.

Let me say to my colleagues, we have had this debate in the past. The question here is the same as always—should we move away from the public school system. Choice, it has an appealing sound, but what we are basically talking about is Federal funding of a dual school system.

So whether we frame the argument in terms of safety, money or whatever other issue people may come up with, we always must come back to the same basic issue. So finding a different logic for it does not in any way digress from what the fundamental question is. The fundamental question is, Should we use American taxpayer money to fund a dual school system? In my view, that would be a tragic mistake.

If school safety is the issue, we ought to take the resources identified in this amendment, \$30 million, and apply them to our effort to make schools safer. Earlier this year, when we passed the Safe Schools Act, we were only able to manage to get some \$20 million for the entire program. I wish I could have gotten more when I introduced that bill. But that is all I could get.

This amendment would take \$30 million, \$10 million more than we were able to get for the entire Nation to improve the safety of our public schools, and come up with pilot programs in 20 States to give a few the opportunity to go someplace else.

In my view, we must confront the problem—not run from it. And violence is serious. As I said earlier today, it is very difficult for children to learn or teachers to teach in a threatening environment. In New Haven, CT, the public secondary schools spend almost \$1 million a year for security and safety.

That is tragic, in my view; but at least they are working to make the schools safer through concrete, directed efforts to improve the school environment.

This amendment presents a much different course of action—abandon the schools. Schools will not get less violent, less threatening, less intimidating for those students and those teachers by merely encouraging some to go off to a private or parochial school. Our responsibility—all of us as citizens; forget our titles as Senators or Congressmen—our job as citizens is to go to work on this problem in the public and private sector to come up with some answer to reduce the violence and not to walk away from it.

And our schools need our help—violence, disinvestment, and declining revenues plague some of our schools, just as they do many other community institutions. But our schools are not ignoring these problems. Even with limited resources, many are digging themselves out of these problems to offer real hope and opportunities to students. James Comer in Connecticut has led a revolution in public schools across the country to support parents and improve education through community involvement and reinvestment in the schools. Public magnet and charter schools are flourishing in offering innovative curriculum to students. School safety programs, from conflict resolution training to metal detectors, are becoming as common in schools as social studies as schools work to meet the challenge of violence.

Our goal must be to lend a hand in these critical efforts not withdraw our support. And that is exactly what this amendment does in diverting Goals 2000 schools improvement funds to private school vouchers.

The sponsors of this amendment have perhaps aptly titled it "Fight or Flight." And they chose flight as a response to the crisis in our schools. Mr. President, I believe, we, as citizens and as a body, must choose the more courageous path. We must fight for our public schools, not fly from them, when they most need our help.

That would be a great tragedy. And the adoption of this amendment would, in fact, do just that.

Madam President, I yield to the Senator from Massachusetts whatever time I have remaining.

Mr. KENNEDY. Madam President, I assume we have 5 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield that to the Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator from Massachusetts, the manager of the bill. I do not need 5 minutes. I wish to express opposition to the amendment, and I direct my attention and the attention of the Senate to section 1704, "Funding and Reservations," which

reads as follows: "Funding: From amounts appropriated to carry out the Goals 2000: Educate America Act, the Secretary shall make available \$30 million for each of the fiscal years 1995 through 1997."

Madam President, this is not an appropriations bill.

Mr. COATS. Will the Senator yield on that? I think I can clarify that for the Senator, because he is absolutely right.

Mr. BYRD. I yield.

MODIFICATION TO AMENDMENT NO. 2417

Mr. COATS. Senator, there was a drafting error. The legislative counsel, the individual who handles the education area, unfortunately, was at a funeral today, and so the bill was handed to someone else, and they made an error. I have a modification which would change that. The Senator is right. It should read that "there is hereby authorized to be appropriated." The word "authorized" was left out.

So I send this modification to the desk. It is an important modification. It was an error as a result of the individual who normally drafts this not being available today.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2417), as modified, is as follows:

In lieu of section 1704(a) insert:

SEC. 1704. (a) AUTHORIZATION.—There are hereby authorized to be appropriated to carry out this section.

(1) \$30,000,000 for fiscal year 1995; and

(2) Such sums as may be necessary for fiscal year 1996 and each fiscal year thereafter.

Mr. BYRD. Very well. I thank the Senator for his modification. I yield the floor, and I yield the remainder of my time.

Mr. KENNEDY. Parliamentary inquiry. As I understand it, it is \$30 million this year, and so it could be any number, any figure afterwards. So it could be \$30 million this year, and it could be any figure into the future on the Goals 2000.

Mr. COATS. More or less, Madam President.

Mr. KENNEDY. Madam President, I see the time is about expired. I hope that this amendment, for the reasons outlined here, will not be accepted.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I share the concerns expressed about the serious issue of violence in our schools. That is why I cosponsored the Safe Schools Act, an important violence prevention initiative recently passed and funded by Congress.

In addition, the Improving America's Schools Act which we are considering today will expand the focus of the Drug-Free School Program to include

violence prevention. This important expanded program will provide funds to local schools for projects designed to combat problems of violence and enhance school safety. Funds can support a variety of approaches, including important violence prevention activities such as conflict resolution, peer counseling, and after-school programs.

I want every child to attend a safe school. But I fail to see how the amendment offered by the Senator from Kansas will help us to accomplish this goal. This is yet another amendment which proposes to abandon our public schools, rather than helping them to surmount their problems.

The amendment will do nothing to help those schools and neighborhoods which are beset by violence. Instead, it will make matters worse, by diverting scarce funds from our public schools to private and religious schools.

I want to remind my colleagues that twice within the last 2½ years, the Senate has gone on record against this ill-conceived policy, defeating two separate amendments which would have provided vouchers for students attending private and religious schools. It was a bad idea then, and it's still a bad idea now.

Yet today we are once again faced with an amendment which would offer public funds to children attending private schools—the so-called "Fight or Flight" amendment.

And the fact that the name and the details have changed, doesn't change the reality that this is simply the same old proposal under a different disguise—a cynical attempt to use the fear of violence to enact the same old voucher scheme.

And it doesn't change the fact that this is simply bad public policy, which would unwisely break down the barrier between church and state and distract our attention from the real needs of our public schools and the vast majority of American children who attend those public schools.

Private school vouchers will do nothing to help these children, since private schools are under no obligation to accept them. Private schools can select students based on any criteria they wish, rejecting those who may be discipline problems, or disabled, or who may have learning disabilities. In Milwaukee, for example, one of the few sites where vouchers have been tested, vouchers are available for 1,000 public school children. Yet the private schools have never enrolled more than 750 or so of these students.

Funneling Federal funds to private schools drains limited funds away from underfunded Public Education Programs at a time when public schools throughout our Nation are facing serious financial problems.

The current budget situation places severe constraints on funding for Federal Education Programs. This is not

the time to divert scarce dollars to private and sectarian schools.

And once again, Mr. President, this is the nose under the tent amendment. While this amendment may be somewhat limited in scope, make no mistake, passage of this amendment would set a dangerous precedent and open the door to unlimited expansion of funding for private and religious schools.

If we are really concerned about violence in our schools we should address that problem head on by providing our public schools with the support and resources they need to deal with their problems.

The "Flight" amendment proposes simply to abandon our system of public education. I urge my colleagues to oppose the amendment.

FLIGHT OR FLIGHT AMENDMENT

Mr. DURENBERGER. Mr. President I rise to support the amendment offered by my distinguished colleagues from Kansas, Indiana, and Connecticut which authorizes a limited demonstration program to give low-income parents expanded education choices for their children.

This 3-year demonstration is focused on low-income children who attend crime prone schools. Eligibility is based on students who qualify for free or reduced price meals under the National School Lunch Act. Only those students from schools that the Secretary of Education designates as crime prone will be eligible for a \$2,000 scholarship that can be spent at private and public schools. Parents can use grant funds for tuition and fees, reasonable transportation costs, and supplementary education services for their children.

As my colleagues know, my own State of Minnesota has taken the lead nationally in expanding the right of parents to choose which schools their children will attend. Minnesota has also been at the forefront of efforts nationally to expand the number and diversity of schools that parents may choose from.

Even in a State like Minnesota which is known for its leadership on public school choice, we are using a number of different ways of delivering what is a new and broader understanding of public education. More and more creative education reform ideas are being tested, like charter schools, which can bring the public and private sectors together.

At a time when our communities and schools are under increased pressure, I believe that we need to try a number of different approaches to improve the academic achievement of our children. This amendment offers another way to do just that. I intend to support this amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on the amendment offered by the Republican leader.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—45

Bennett	Domenici	Mack
Bond	Durenberger	McCain
Boren	Faircloth	McConnell
Bradley	Gorton	Murkowski
Breaux	Gramm	Nickles
Brown	Grassley	Nunn
Bumpers	Gregg	Packwood
Coats	Hatch	Pressler
Cochran	Hatchison	Roth
Cohen	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Stevens
D'Amato	Lieberman	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner

NAYS—53

Akaka	Glenn	Mitchell
Baucus	Graham	Moseley-Braun
Biden	Harkin	Moynihan
Bingaman	Hatfield	Murray
Boxer	Heflin	Pell
Bryan	Hollings	Pryor
Burns	Inouye	Reid
Byrd	Jeffords	Riegle
Campbell	Kennedy	Robb
Chafee	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Sasser
Dodd	Lautenberg	Shelby
Dorgan	Leahy	Simon
Exon	Levin	Specter
Feingold	Mathews	Wellstone
Feinstein	Mitzenbaum	Wofford
Ford	Mikulski	

NOT VOTING—2

DeConcini Helms

So the amendment (No. 2417), as modified, was rejected.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, that was the final vote for the evening. We have a full agenda for tomorrow.

I have talked with the Senator from Washington [Mr. GORTON] who indicated he would be prepared to lay down his amendment as the first order of business. We hope that we would be able to, after the beginning of the debate, perhaps indicate to the membership the time that we might need to consider that amendment.

Then we have a number of other amendments. Although we will not ask consent tonight, I hope to lay down after that the amendment of the Senator from New Mexico [Mr. BINGAMAN]. He had even indicated he would be prepared to debate his amendment this evening, but we had already indicated

to the Senator from Washington that his would be the first order of business. So that is the way we will proceed.

We hope that Members who do have additional amendments would be in touch with us during the course of the evening and with staff so that we could try and accommodate the Members on their different proposals and to move along on the consideration of this legislation.

I think this has been a very instructive day. We have had two major policy issues that have been raised, which, at least for the purposes of this legislation, have been resolved.

There will be several other items tomorrow. But it would certainly appear to me, with the items which we have been given, that we will be able to move along in a pretty reasonable fashion. There are the broad issues related to the census that we will have to deal with. We have the single-sex school amendment by Senator DANFORTH. There is the longer year programs of Senator SIMON; increasing funding for education, basically by Senator SIMON and Senator WELLSTONE; some rural national service programs by Senator MCCONNELL; and probably two or maybe three other items. There is also the IDEA amendment of Senator GORTON.

So I ask that all Members that do have amendments if they would communicate them through the night and early in the morning.

I understand what the leader has said that he has every intention of completing this legislation and also completing the Breyer nomination prior to the conclusion of business this week.

We are planning to be here all day. We understand that there will be a period of time at the noon hour for the services for our recent departed colleague, Hugh Scott, of Pennsylvania. But we will be here during the morning. We will try to work even through that period to try to dispose of some of the amendments and through the afternoon.

The leader has indicated—and we want to indicate to all of the Members—that we intend to go through the evening tomorrow. It is Thursday evening. That is the late night Senate evening. We will be prepared to move along and consider amendments during the course of the evening tomorrow night.

The majority leader and the minority leader will obviously make the ultimate decision on the schedule, but that is the way that we will proceed.

Again, I say, I hope all of the Members that do have amendments will let us know.

I want to thank all Members for their cooperation today. We have had a good discussion and debate. I think it has been an important debate. Obviously, Members have thought a good deal about these issues. I think it has been

a very constructive day in the consideration of a very, very important bill. We will look forward to similar debates tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent there now be a period for morning business, with Senators allowed to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL J. GARY COOPER'S NOMINATION AS AMBASSADOR TO JAMAICA

Mr. HEFLIN. Madam President, I rise today in strong support of the nomination of Mobile, AL businessman and retired Marine Corps Maj. Gen. J. Gary Cooper as the United States Ambassador to Jamaica. General Cooper has shown through his long career of military and public service that he is an excellent choice for this diplomatic assignment.

In 1958, after earning his degree from the University of Notre Dame, the young Gary Cooper entered the marines. Over the next 30 years, he rose from the rank of second lieutenant to major general. As a captain in Vietnam, he led a rifle company and was wounded twice. He received Purple Hearts, a Bronze Star, and four Vietnamese Crosses of Gallantry for his leadership and bravery in combat. In 1969, General Cooper returned to Mobile to run his family's business. Meanwhile, he remained active in the Marine Reserves.

Back Alabama, General Cooper diligently resumed his commitment to public service in the political arena. He sat in the Alabama House of Representatives from 1974 to 1978. He then became Commissioner of the Alabama Department of Human Resources under Governor Fob James. He did an excellent job as commissioner, a post he filled until 1981.

In 1988, General Cooper was promoted to the rank of major general in the Reserves and directed Marine Corps recruitment until his retirement from military service. He was chosen in 1989 as Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment. In this Pentagon post, he played a key role in the military preparations for the Persian

Gulf war and once again proved his competence, leadership, and devotion to this country.

General Cooper is currently a senior vice president for David Volkert and Associates consulting engineers and board chairman for Commonwealth National Bank. His experience spans over three decades in the public service arena. I am certain that he is qualified in every respect for the position of Ambassador to Jamaica.

I am proud to support General Cooper for this important post, and know that he will prove to be a capable and effective United States Ambassador to Jamaica.

INVESTITURE OF JACK CADELL AS BANKRUPTCY JUDGE

Mr. HEFLIN. Madam President, I wish I could have been in Decatur, AL on Friday, July 15, to have witnessed Jack Cadell's investiture as a bankruptcy judge for Northern Alabama. As a serviceman, lawyer, and always active citizen, Judge Cadell has demonstrated a strong commitment to his country and to his native region.

Jack Cadell was born in Decatur in 1945. As a young man, he served in the ROTC, the Alabama National Guard, and the Naval Reserve. At the same time, he completed his education at the University of Alabama. He earned a law degree from the University of Alabama in 1970 and served as a law clerk to U.S. District Court Judge Seybourn Lynne, also in the Northern District. Jack's formal education is certainly extensive. However, I have a feeling that he also had some early legal training from his father and my great friend, John Cadell.

Jack has been practicing law for more than 20 years, primarily in the area of bankruptcy law. His intellectual and technical legal expertise have made him one of the most respected bankruptcy lawyers in the State. For many years, he worked with the law firm of Caddell, Shanks, Harris, Moores & Murphree. By establishing his own practice after the 1979 bankruptcy law revisions, Jack Cadell demonstrated his personal work ethic and his ability to handle every aspect of the law.

Jack has also served as a part-time municipal judge in Decatur and is a past president of the Morgan County Bar Association. He enjoys an excellent reputation for thoroughness and fairness throughout the region and State.

Jack knows the people of Northern Alabama, and he knows the specific issues and concerns which are unique to this area. His practice frequently takes him all over the district, to Florence and Huntsville, Gadsden and Anniston, and always back here to Decatur, where he lives with his wife Amy and their two daughters.

Jack Cadell has proven himself to be a great citizen and a great lawyer; I

have no doubt that he will also prove himself to be a great judge. He will bring fairness to the bench from his experience on both sides of bankruptcy law. I am certain that as bankruptcy judge for the Northern District, Judge Cadell will continue the great legal tradition of the Caddell family. He is well qualified and will make an excellent judge in every respect.

I want to congratulate him and wish him all the best for a long and productive tenure on the bench as a bankruptcy judge.

LESSONS WITHOUT BORDERS

Mr. SARBANES. Madam President, last month I had the honor of participating in the launching of the U.S. Agency for International Development's Lessons without Borders Program series at Morgan State University in Baltimore. At that event, city officials, community leaders, and USAID professionals came together to initiate a dialogue on some of the problems that affect developing countries and U.S. inner cities alike, with the goal of sharing methods and solutions.

The program demonstrated not only that we can learn from the experience and creativity born of hardship in other countries, but that together we can develop common approaches that result in greater benefits to everyone. In areas such as providing preventive health care services, making credit available to small mom-and-pop businesses, eradicating preventable diseases, and lowering childhood mortality, there is much to be gained by taking advantage of some of the cost-effective and broad-based solutions that have been applied in the developing world. By sharing directly the ideas, information, and techniques that have been used in their respective areas, community service professionals and development experts are multiplying the impact of investments in domestic revitalization as well as in international development.

I would like to commend USAID Administrator Brian Atwood, Vice President AL GORE, Jr., Baltimore Mayor Kurt Schmoke, and all of those USAID and the city of Baltimore who made the June 6 event possible, and I would ask unanimous consent that the attached articles about the program, along with the Vice President's speech, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LESSONS WITHOUT BORDERS

(By Vice President Al Gore)

I've just come from a ceremony commemorating D-Day. We remember the actions fifty years ago today—not only of the allied soldiers—but also those who sacrificed at home.

But anniversaries of famous battles aren't just the cause of celebration. For while they remind us of the heroes of freedom and de-

mocracy they also remind us of the grim horrors of war—destruction and loss. They make us renew our effort to prevent future wars.

After WWII, it was the Marshall plan which aimed at revitalizing the economy and communities in Western Europe.

And it was a success. We helped Western Europe build a self-sustaining system which embodied participatory democracy, protected the free market and unleashed their productive energies.

And the Marshall Plan's success led to other foreign aid efforts. Like President Kennedy's Foreign Aid Act of 1961 which extended aid to Africa, Asia and Latin America.

He said soon after entering the White House that the developing world is "The great battle ground for the defense and expansion of freedom."

Since that time, we have learned many lessons in our efforts to aid developing nations. Lessons about housing, nutrition, vaccinations, prenatal health care and disease. Now it's time to bring the lessons we have learned abroad home, for these are "lessons without borders."

That's why we're here today. To continue a dialogue between development experts and those here at home who are working to solve economic and social problems in the United States.

I am particularly pleased that USAID has taken the lead on this.

Under Brian Atwood, the Agency has taken on the task of redefining its mission to meet the needs of the post-Cold War world. USAID has been a leader in the program I chaired, the National Performance Review, and it has made itself an official reinvention laboratory.

Those who may think reinvention is just another word for shuffling around bureaucratic boxes should look at what USAID is doing here. Since the Foreign Assistance Act became law thirty-three years ago, thousands of Americans have become involved in the rebirth of nations. They're agricultural experts, advising on soil conservation, cattle breeding and crop management.

They're teachers—helping communities establish schools where children are now learning to read, and technical facilities, where adults learn the skills they need to compete in a changing world.

They're water and waste experts, helping to set up clean water supplies and develop efficient, affordable ways to recycle waste.

They're public health officials—setting up clinics where expectant mothers and their children can receive health care, and whose effect is felt long after they have left.

They are precisely the kind of people who can help us solve problems within our borders.

Whether it's developing vaccine programs in Mali and Manhattan, or treating dehydration in Bangladesh and urban areas in the U.S. such as right here in Baltimore, some lessons are universal.

Let me give you some examples:

IMMUNIZATIONS

A few weeks ago we recognized Immunization Week at the White House. We pledged to keep working on developing new immunization strategies until children cease to die needlessly from diseases which are easily prevented.

In 1990, only 39 percent of inner city children in the United States were immunized against measles.

In Mali, infant mortality rates are among the highest in the world: over two-thirds of

childhood deaths could be prevented by vaccination.

The University of Rochester is currently working in partnership with the Columbia University in Mali to improve child immunization levels among the poor, urban populations.

DEHYDRATION

Dehydration kills 3 million children every year. In the United States it kills up to 600 children and hospitalizes thousands every year.

USAID has found that feeding children a mixture of water, sugar, and salt prevents diarrhea from causing dehydration. This treatment costs pennies a day.

It now saves more than 1,000,000 lives a year.

SOCIAL MARKETING

USAID is using marketing techniques all over Africa, much like Colgate toothpaste, to "sell" socially important products like condoms, or messages stressing the importance of breastfeeding.

They pretest, package and promote the materials and launch the products just like a business would. This cause-related marketing is another example of something we can use within our borders.

COMMUNITY BASED SERVICES

USAID identifies credible people within the community and forms a network between these groups—in places like Kenya, Nigeria, Guatemala and El Salvador.

The groups then serve as actual service providers—going door to door to identify children with diarrhea or pregnant women. They then pass along their knowledge so the people can "help themselves." This is an excellent example of community empowerment and we can use this same idea right here at home.

PEST MANAGEMENT

Alley farming is a technique used in Nigeria to control crops without pesticides.

Rapidly growing trees are planted in bean fields, becoming an artificial host for parasites. The beans are allowed to grow quickly. The Nigerians then plant corn, and the pests feed on the beans. We can use this cheap, environment-friendly technique in Georgia and the Carolinas.

MICROENTERPRISE DEVELOPMENT

Credit and loans are now within reach of the poor.

A commercial bank in La Paz, Bolivia now gives loans solely to low-income people. The average loan is about \$400. This bank makes more loans than the entire banking sector in Bolivia combined.

In the United States, there are 200 micro-enterprise programs just getting started—and here's a technique that can help.

The underlying solution we see from these examples is cooperation. Development comes from communities and individuals working together. It is a natural outcome of empowerment.

The community activists in this room know all too well that the problems on the table are severe and require considerable personal responsibility. But they also know that they are made worse by hopelessness.

The mother who doesn't get prenatal care, who doesn't know about nutrition or when to have her children immunized—her situation is made worse by a feeling of powerlessness.

The young man who wants honest work but lacks the means to start a business—his situation is made worse by a reasonable lack of hope.

We can't "develop" people, or make them assume responsibility for their own lives if

they don't want to. This is as true here as it is overseas.

But we also know that we can use cooperative approaches to give people a sense of control over their futures—that they matter as positive contributors to society—not just as victims.

The federal government has a role to play and that's the basis of our community empowerment program. But the government can't do everything.

This is why I'm especially eager to see programs of microenterprise and community banking flourish in our poor neighborhoods. In developing countries, these programs have given tens of thousands of poor people the means to begin small, informal businesses that give them the strength to live lives of purpose and hope.

In neighborhoods where no one is literate—in homes where most infants are expected to die—in nations torn by violence and hunger and despair. Yet even in such environments, they have learned how to bring hope.

Now they're bringing those lessons home. As the programs of Accion International and FINCA have demonstrated in Latin America, the real strength of microenterprise and neighborhood banking is empowerment at the grassroots level. It helps people take control of their own lives. It creates bonds among strangers. It helps to make a neighborhood from a bunch of buildings.

USAID, along with other development agencies and private voluntary organizations have learned how to achieve things in environments that have few resources, if any.

It reminds me of an old story about the business man who went to the oracle and said his abacus counters couldn't keep up with the workload—but couldn't afford to hire any new workers. What should he do?

"Each abacus counter must grow another finger on each hand," said the oracle.

"That's very wise," said the businessman. "But how do I get them to do that?"

"Ah," said the oracle. "I only make policy. Implementing it is your job."

We must remember that when it comes to implementing—we all have a role to play whether in the public or private sector, or through volunteer groups.

Eric Sevareid once told President Kennedy that:

"It doesn't make much sense when two people are sitting in a boat for one of them to point a finger accusingly at the other and say 'your end of the boat is sinking.'"

We know that we are all in the boat together. Only together can we formulate solutions which will put an end to poverty and ensure economic and social freedom for all—both overseas, and in our neighborhoods.

The time and opportunity are upon us. It's always been easy for Americans to lend a helping hand, but far more difficult to accept one.

On this day when we remember how Americans lent a helping hand to Europe, let's dedicate ourselves to a continuing effort abroad, but also renewing our commitment within our own borders.

Yet here we are—truly helping ourselves—bringing the lessons we've paid for to our own doorstep. It is a hard path, but a necessary one. Can traverse it best by traveling it together.

[From the Washington Post, June 11, 1994]

FOREIGN AID COMES HOME

The "Lessons Without Borders" program launched by Vice President Gore in Baltimore this week is supposed to be a winning

proposition for all. The idea, generated by the U.S. Agency for International Development, is to bring to America's poor communities some of the lessons AID has learned while operating programs in the developing world. Baltimore Mayor Kurt Schmoke volunteered his city to be AID's opening act. His reasons for doing so were candid and telling about America today.

"It is an unfortunate fact of life," said Mayor Schmoke, "that we have in certain parts of our city health problems, housing problems, that resemble those in Third World countries." Those words, could have been spoken by any big-city major in America.

The similarities of conditions in the developing world and American inner cities and rural communities are mortifying. There are poor neighborhoods around the country with infant mortality rates that rank right up there with countries where Peace Corps volunteers and American aid workers are being dispatched to work. We think of children who die from diarrhea as being only found in countries like Bangladesh or Burkina Faso. In America's inner cities and in rural communities, however, hundreds of our own children are dying or being hospitalized each year from disease.

Vice President Gore noted that only 39 percent of inner city children were immunized against measles in 1990. Stack that up against poverty-ridden Egypt, where AID reports a 90 percent immunization rate, or India's 80 percent or the 88 percent immunization rate achieved in the Philippines. The sad fact is the some of what ails the most devastated countries on earth also afflicts communities within our own borders: illiteracy, poor nutrition, little or no prenatal care, disease, joblessness and, ultimately, hopelessness.

The Agency for International Development can't be expected to solve problems on American soil; the law prevents AID from doing that. But perhaps the agency—take a page from the developing world—can lend a helping hand by advising hard-pressed U.S. communities how they can use techniques from the Third World to address their own problems. After decades of work abroad, AID has learned many lessons. This experiment can usefully teach Americans another lesson: Images of Third World deprivation are universal; they can be even found on U.S. soil.

[From the Baltimore Sun]

LESSONS FROM THE THIRD WORLD

For more than three decades, the United States has been sending small armies of people to poor countries to aid economic development efforts. Now, when Americans have plenty of reason to be concerned about their own economic well-being, many voters are beginning to look askance at the money spent on foreign aid. The partnership inaugurated this past week between Baltimore and the U.S. Agency for International Development is aimed at finding ways to apply the lessons learned in development efforts overseas to some of America's urban ills.

The lessons abound: Haiti may be poor, miserable and desperate. But in many areas it does better in immunizing its children against common childhood diseases than some parts of Baltimore. Could we learn something from their approach?

Bangladesh also has enormous misery and deprivation. But through its innovative Grameen Bank it has found a way to provide capital to millions of poor people, particularly women. In this country, poor people are caught in a credit bind, vastly limiting their

ability to capitalize on their own initiative. Without money or other assets, it is hard to qualify for a loan.

The Grameen Bank has found that loans of even \$10 and \$20 enable women to invest in spinning wheels or other equipment necessary to begin very small businesses, or "micro enterprises." By helping these people tap into their own energy and initiative, the bank enables them to magnify their household income and improve their family's standard of living. Programs modeled on the Grameen Bank have given similar chances to poor people here; how can we expand these efforts?

Anyone familiar with the lives of very poor people, whether in inner cities or rural areas, knows their problems transcend national borders. Their problems reach far beyond the daily challenge to maintain adequate food and shelter. From unanticipated pregnancies, infant mortality and unhealthy children to lack of jobs or no access to credit, the problems of poor people in Maryland look a lot like those faced by the poor elsewhere in the world.

It is refreshing to see that a federal agency charged with funding development programs in other countries can also recognize the importance of finding ways to share what it learns with people in this country. That not only enriches efforts to help poor Americans; it also helps to inform taxpayers about the vital role foreign aid can play in a dangerously unstable world.

[From the Baltimore Sun, June 6, 1994]

BALTIMORE TO TRY THIRD WORLD REMEDIES

(By Scott Shane)

For decades, the U.S. Agency for International Development has sent Americans into the Third World to attack the problems of developing countries: infant mortality and childhood illness, unplanned birth and sexually transmitted diseases, poverty and chronic unemployment.

Now AID wants to teach at home what it has learned abroad. In Baltimore and elsewhere, the agency wants to share remedies for the ills of urban America—infant mortality and childhood illness, unplanned births and sexually transmitted diseases, poverty and chronic unemployment.

Because Mayor Kurt L. Schmoke put aside boosterism and responded to AID's offer with a candid acknowledgment that the city needs help, Baltimore is the first U.S. city to be targeted by AID's "Lessons Without Borders" program.

It is an unfortunate fact of life that we have in certain parts of our city health problems, housing problems, that resemble those in Third World countries." Mr. Schmoke says. "And, if there are some techniques that AID has used overseas that can be used here, I'd like to apply those problem-solving techniques."

"Lessons Without Borders" will debut today with a conference at Morgan State University that will bring together Baltimore officials and staff members from AID, the major distributor of foreign aid. Vice President Al Gore will be the keynote speaker.

By law, AID is not permitted to fund programs in the United States. But, by offering advice and cheerleading, the agency is seeking to be midwife at the birth of a new generation of U.S. social programs.

AID officials acknowledge that they hope "Lessons Without Borders" will help them sell skeptical American taxpayers on the value of foreign aid. But, budgetary motives aside, American specialists in Third World

development say the initiative is a long-overdue recognition that creative programs being used to attack stubborn social problems in Africa, Asia and Latin America could be useful on U.S. soil.

Whether it is immunizations in Haiti—where in some desperately poor neighborhoods the rate of childhood inoculation is far higher than in Baltimore—condom distribution in Central Africa or small enterprise development in Bangladesh. Third World social programs have much to teach U.S. policy makers, say Americans who have worked abroad.

"A lot of us who've worked overseas have been waiting a long time for this to happen," says Julie Convisser, who runs an AIDS preservation project in Portland, OR, based on a similar effort in Zaire. "As Americans we sometimes believe no other country has anything to teach us. We're wrong."

Portland's Project Action, the first U.S. effort of Population Services International, which operates in 24 other countries, is among a handful of successful transfers of Third World programs to this country. In Zaire, the battle against AIDS incorporated television soap operas promoting safe sex and condoms on sale for 2 cents apiece in every roadside bar or shop. In Portland, Project Action has produced MTV style television shows for adolescents and placed 185 vending dispensing condoms at 25 cents each, Ms. Convisser says.

"Lessons Without Borders" was born of a conversation late last year between AID Administrator J. Brian Atwood, 51, who was a few months into his job, and Marian Wright Edelman, the longtime head of the Children's Defense Fund.

As Mr. Atwood described AID's work abroad and Ms. Edelman recounted disheartening statistics on child health and poverty in the United States, they saw an opportunity. Mr. Atwood said last week by telephone from Geneva. He was returning from a tour of African famine areas undertaken at the request of President Clinton.

In a November appearance on C-Span, Mr. Atwood said, he "blurted out" the idea that AID hoped to consult with U.S. cities. Among the viewers was Schmoke aide Lee Tawney. He passed the word on to the mayor, who decided Baltimore should be part of the collaboration.

Mr. Atwood said AID has not previously sought to apply its expertise in the United States partly because the agency long felt beleaguered, a pawn in superpower politics that came under fire for dubious spending.

"During the Cold War, we did waste a lot of money to buy influence overseas," Mr. Atwood said.

The agency's budget peaked in the early 1980s at about \$12 billion, much of it directed to fighting communism in Central America and elsewhere. Today, the budget may be less vulnerable to political pressure to steer the aid to allies, but it is down to \$7 billion. "Lessons Without Borders" could protect that spending by providing visible evidence to Americans of the effectiveness of programs developed by AID.

Other developments make AID's initiative timely, public health experts say.

The debate over health care reform has given new urgency to cutting medical spending and one way to do it is to get away from the high-cost approach traditional in this country.

"We Americans like the idea of being rushed to a high-tech hospital," says Dr. William B. Greenough III, professor of medicine and international health at Johns Hop-

kins. "A great many things can be done at lower cost and with equal efficacy in the community and not in the hospital. In countries with very limited resources, you have to save the patient and save money at the same time."

A striking example is treatment for dehydration caused by diarrhea, says Dr. Greenough, who worked for eight years in Bangladesh before returning to the United States in 1985.

For many years, doctors in Third World countries have treated the condition with "oral rehydration therapy" a packet of a few cents worth of salts and sugars that can be mixed with water and drunk by the patient. If such a packet is not available, chicken and rich soup is a fine substitute, as Hopkins physicians have long pointed out.

Yet the United States severely dehydrated patients generally are hospitalized and hooked up to an intravenous drip at a cost hundreds of times greater than the low-tech alternative. Indeed, because diarrhea is dismissed as a triviality, Dr. Greenough says, it often goes untreated, leading to many unnecessary deaths, particularly among nursing home patients.

Remedies that can be administered at home "lack TV appeal" and are not considered real medicine by Americans, who have an almost superstitious belief in costly machinery. "Basically, our witch doctor's mask is a lot more expensive," says Dr. Greenough, who welcomes AID's push to bring in low-tech methods.

Elizabeth Holt, an assistant professor of international health at Hopkins, is another public health professional who has worked on both sides of the great divide between domestic and international programs: in a poor urban community outside Port au Prince, Haiti, and in Baltimore and elsewhere in Maryland.

In the Haitian community, Dr. Holt says, the rate of complete immunizations by 1 year of age reached 85 percent in the late 1980's. In Baltimore, while nearly every child is immunized by school age, the rate at 2 years of age is only 55 percent, says Dr. Peter Bellenson, Baltimore's health commissioner.

The problem, Dr. Bellenson says, is not a shortage of facilities for immunization and other preventive care. It's the failure of people to take advantage of what's available. That's why Baltimore's Healthy Start program, which seeks to reduce infant mortality and the incidence of low birth-weight babies, hires community residents to do outreach work, identifying pregnant women and bringing them in for early prenatal care.

Healthy Start may have something to teach AID, says Margaret Neuse, deputy director of the agency's office of population. "Lessons Without Borders" should be a two-way street, she says.

In Latin America, Africa and Asia. Ms. Neuse says, she has faced difficulty in getting people to use health services. "I just came back from a place in Ethiopia with a population of 30,000, where a program serves just 10 clients a day. We had a case in Nepal where you couldn't pay women enough to get them to go to a clinic."

Joe Bock, a former Missouri legislator who has worked for two years for Catholic Relief Services, says he sees great potential for transfer of programs outside the area of health care to U.S. soil.

Many programs in the U.S. war on poverty have "failed miserably," says Dr. Bock, who will soon take over Catholic Relief's operations in Pakistan. "We're looking around for new ideas."

One such idea, he says, is what development professionals call microenterprise: tiny, family-based businesses started with minimal capital. The Grameen Bank ("rural bank") of Bangladesh, which has served more than 1 million poor women, has inspired a number of fledgling U.S. programs.

As the United States grapples with welfare reform, microenterprise offers an alternative approach to fighting poverty, one based on poor people becoming small-time entrepreneurs rather than cashing monthly checks.

"Unfortunately, we've had the idea of the U.S. riding in as a knight in shining armor to teach these countries," Dr. Bock says. "In fact, we can learn a lot from what they're doing."

[From the Baltimore Sun, June 7, 1994]

GORE LAUNCHES U.S. AID'S HELP FOR CITY

(By Richard O'Mara)

Vice President Al Gore launched a partnership yesterday between Baltimore and the U.S. Agency for International Development designed to apply here the agency's expertise in helping people mired in poverty.

Speaking at a conference titled "Lessons Without Borders," at Morgan State University, the vice president referred to the efforts of the tens of thousands of health workers, literacy teachers and small business advisers sent abroad since 1961 to focus America's attention on the plight of the Third World.

"It is time to bring this knowledge back home," he said.

"The idea might sound strange but it's not," he added. "Whether developing a vaccination program in Malawi or Manhattan, some lessons are universal."

The partnership is the first of its kind, but other cities—Chicago, Atlanta, Boston—have expressed interest in drawing on AID know-how.

J. Brian Atwood, AID administrator, said, "It is people like those in Baltimore who invested in the foreign aid programs. Why shouldn't they benefit from it?"

The suggestion by Mr. Atwood, made on C-Span television late last year, was seized upon by Mayor Kurt L. Schmoke.

The vice president spoke to about 250 health and socialworkers and community activists at the Morgan conference, plus as many guests.

After that he visited the Family Place on Ashland Avenue—which provides services to needy families, such as literacy training, prenatal care, nutritional information and vaccinations—and was shown around an immunization bus that roams Baltimore's neighborhoods inoculating children.

At Morgan State, Mr. Gore pointed out that in 1990, only 39 percent of American children were immunized against measles. (In Baltimore, fewer than half the city's two-year-olds are up to date with their immunizations, said Charlotte Crenson, a city health program administrator, who was on hand for the vice presidential visit to East Baltimore.)

Because of AID's skills abroad at propagating the importance of inoculations, a lot of developing countries are doing much better in immunization, he said.

AID marketing techniques also are effective at spreading the word in foreign countries about the protection against infant illness that breast feeding provides.

The agency encourages and underwrites banks in Third World countries to lend small amounts of money to poor people who have no collateral, but do have an idea for a business, or "microenterprise," Mr. Gore said.

AID also trains and deploys local community volunteers to assist professional health workers and community activists abroad.

The vice president called the use of volunteers "an excellent example of community empowerment, a technique we can use here. Something developed to help nations elsewhere can help here."

And the reverse can be true. Baltimore can teach AID a thing or two, agency officials said. For example, workers at Healthy Start, a prenatal care program, have devised strategies for dealing with substance abuse among the people it helps.

Healthy Start was founded in 1990 to help lower infant mortality rates in certain Baltimore neighborhoods that had reached Third World levels—19 deaths per 1,000 live births in Harlem Park and the area around Johns Hopkins Hospital, according to Daisy Morris, who runs Healthy Start.

"When we began we found that substance abuse was a tremendous problem, between 30 and 35 percent of [expectant] moms" had it, Ms. Morris said. The experience in dealing with this, Ms. Morris believes, is "what gave us the edge on a lot of cities, because we understood our moms."

Margaret Neuse, deputy director of AID's Office of Population, who has visited Healthy Start, said, "We have a lot to exchange with Baltimore. We have met different problems."

Everyone who addressed the Morgan State conference stressed that the partnership would be more than a rhetorical one, a friendly gesture from a Democratic president to a political ally in a nearby city. They insisted this was the case even though AID is prohibited by law to operate within the United States.

Other speakers included Mr. Atwood; U.S. Sen. Paul Sarbanes, a Maryland Democrat; and U.S. Rep. Kweisi Mfume, D-7th District.

Mr. Atwood announced that a working group would be set up with representatives from AID and the city to decide on reasonable expectations for the partnership.

Mr. Slater listed several likely AID initiatives. It would send field directors just returned from abroad to Baltimore to lecture and hold seminars; provide access to AID's enormous library to Baltimore health and nutrition workers; create internships for social workers from the city; and send people in the local helping professions to visit foreign development programs. Later in the day, Mr. Gore went to the Social Security Administration headquarters in Woodlawn and continued a theme that he raised at Morgan State: the benign intervention of government.

"Twenty-five or 30 years ago, more than 70 percent of the American people felt that government would do the right thing in solving national problems. Now only 20 percent believe that," he said.

"We have to put the customers (citizens) first," he emphasized.

CYPRUS: 20 YEARS ON JULY 27, 1994

Mr. BIDEN. Madam President, last week marked the 20th anniversary of a tragic event: The invasion of Cyprus by Turkish forces.

In that fateful month of July 1974, a coup by radical Greek Cypriots, instigated by the rightist Junta in Athens, threatened the Turkish minority in Cyprus. The plotters sought to unite Cyprus with Greece. Turkey, a guarantor

of the treaty establishing Cypriot independence, sent forces, with two salutary results: The coup on Cyprus failed, and the dictatorship in Athens collapsed. Had Turkey withdrawn at that point, the world could hardly have complained. A few weeks later, however, in the midst of peace talks in Geneva, Turkey launched a second invasion, 40,000 troops proceeded to carve the nation in two.

The invasion was as vicious as it was rapid. Hundreds were killed. Nearly 200,000 Greek Cypriots—30 percent of the population—fled their homes in northern Cyprus and resettled in the South. To this day, over 1,500 people—including 5 Americans—remain unaccounted for.

Alert U.S. diplomacy might have averted tragedy. In the 1960's, warnings by President Johnson on two occasions had helped prevent Turkish intervention. But a Nixon White House distracted by Watergate ignored predictions of the coup on Cyprus, and stood by while Turkey launched its invasions.

Turkey's illegal actions were only briefly punished. The United Nations demanded Turkey's immediate withdrawal but enforced no sanctions. A partial U.S. arms embargo imposed by Congress lasted just 4 years.

Meanwhile, the occupation of northern Cyprus was buttressed by the immigration of mainland Turks who were encouraged to settle in Cyprus by Ankara. In 1983, Turkish Cypriots declared secession by establishing the "Turkish Republic of Northern Cyprus"—recognized only by Turkey. The U.N. Security Council again spoke forcefully, declaring the act legally invalid but it failed to act further.

For the past two decades, the illegal division of Cyprus has continued—a stark reminder of the failure of the international community to enforce its will. U.N. peacekeepers monitor a Cypriot dividing line. Beyond it, Turkey occupies nearly 40 percent of Cyprus in defiance of the United Nations charter and the Helsinki final act.

Numerous efforts have been made by U.S. and U.N. diplomats to resolve the crisis. Unfortunately, little tangible progress has resulted. To be sure, neither community on Cyprus is blameless. There have been moments over the past two decades where the Greek Cypriots have not been forthcoming in negotiations. But it cannot be disputed that most of the blame for the failure to resolve the Cyprus question lies with the Turkish Cypriots, and their patron in Ankara, the Government of Turkey.

Over the course of the last year, for example, the U.N. Secretary-General attempted to construct a series of confidence-building measures—modest but important steps designed to pave the way for comprehensive negotiations. After months of painstaking negotia-

tions, the effort collapsed in May. The Secretary-General of the United Nations, Boutros Boutros Ghali, stated clearly that the Turkish Cypriots had caused the breakdown in the talks. With unequivocal language rarely employed by U.N. Diplomats, the Secretary-General reported that "at present, the Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side." The Secretary-General continued:

While it can be understood that the Turkish Cypriot community has sometimes felt that its unhappy experience in the years before 1974 justified its unforthcoming approach on key aspects of the proposed *** federation, I find it difficult to understand why similar reluctance should have affected the Turkish Cypriot leadership's approach to a set of eminently reasonable and fair proposals that would bring substantial and tangible benefits to its community without in any way compromising its security or its basic political positions.

The continued stalemate of the Cyprus question cannot be attributed only to Turkish Cypriot obstinance. The continued occupation of the island, and the economic support provided by Turkey, sustains the illegal regime in northern Cyprus, and thus is critical to the continuation of the status quo. Turkish forces, numbering approximately 30,000–35,000, occupy the island, despite United Nations Security Council and General Assembly resolutions demanding their withdrawal. Moreover, Ankara provides economic assistance that props up the Turkish Cypriot community. The Central Intelligence Agency reports in its "World Factbook" for 1993 that "Turkey normally underwrites a substantial portion of the Turkish Cypriot Economy." In late 1992, for example, Turkey provided a \$100 million loan for economic development projects in the Turkish Cypriot area.

Given these facts, it should be obvious that United States diplomatic pressure should be focused on Ankara, the recipient of significant American economic and military assistance. Unfortunately, every administrator, Democratic and Republican, has resisted such an approach against Turkey, a member of the NATO Alliance which sits at a geostrategic corner of Europe critical to American interests.

To be sure, Turkey has played an important role in recent military operations in the region. During the Gulf War, critical air strikes were conducted from Turkish bases. Similarly, Operation Provide Comfort—the effort to protect the Kurdish population in northern Iraq from Saddam's legions—depends on the continued support of Turkey.

But Turkey's support of these operations does not absolve Ankara of responsibility to uphold the rule of law on Cyprus.

This week, the Clinton administration achieved a historic breakthrough in facilitating an end to the state of war between Israel and Jordan. The administration has also played a critical role in the accords between Israel and the Palestine Liberation Organization. A key element in the Middle East peace process has been high-level American diplomacy, including personal intervention by the President and the Secretary of State. Justice demands that the administration also turn to the Cyprus issue with equal vigor by pressing forcefully for Turkish withdrawal from Cyprus.

In the coming days, the United Nations Security Council is expected to call on the parties in Cyprus to undertake a new effort to accept confidence building measures, and press forward with negotiations on an overall resolution of the conflict. This presents an opportunity for the Clinton administration to accelerate its own efforts on Cyprus. United States policy should include the following elements:

First and foremost Turkey must understand that its occupation of Cyprus cannot continue. The United States and the other permanent members of the Security Council should make this clear in the strongest terms possible. Turkey must also use its influence with the Turkish Cypriot leader, Mr. Denktash, to come to terms.

Second, the President should appoint a special envoy on Cyprus, similar to the high-level Ambassador we now have on Haiti. Although for many years the United States has had a special Cyprus coordinator, in practice the incumbent has been a career foreign service officer, lacking the prestige and profile of an appointee with direct access to the President and the Secretary of State.

Third, to minimize Turkish Cypriot fears about a Turkish troop withdrawal, the United Nations should be prepared to expand its peacekeeping force on the island in the event of a settlement. Consideration should also be given to using forces from the permanent members of the U.N. Security Council.

Fourth and finally, the two Cypriot communities must understand that their interests will be served by a settlement. Toward that end, the United States and the European Union should pledge that a reunited Cyprus will be afforded full integration in Western economic and security institutions.

Madam President, for 20 long years the people of Cyprus have suffered the unnatural and illegal division of their beautiful island. The status quo cannot continue. I call on the administration, the United Nations, and my colleagues to work together to bring about a just resolution of the Cyprus conflict.

REV. THEODORE J. KOZLOWSKI

Mr. LEVIN. Madam President, I rise today to pay tribute to the Rev. Theodore J. Kozlowski of the Roman Catholic Diocese of Grand Rapids. In so doing, I join with the members of his church and community who are honoring Father Ted on August 7, 1994 for nearly four decades of selfless work for social justice.

Father Ted has served as director for the Hispanic Apostolate for the Diocese of Grand Rapids as an advocate, counselor, pastor, and friend. He has been a consistent and loving voice for a people who are too often overlooked and underserved. He knows that American culture is enriched by the diverse gifts that Hispanic-Americans bring to our shores, and he has steadfastly worked to eliminate racial barriers and erect bridges of understanding.

As a founding member of the Catholic Human Development agency and the former director of the Secretariat of Social Concerns, Father Ted raised the consciousness of social service staffs enabling them to meet the basic needs of individuals in the areas of health, housing, and emergency food distribution. He has also been a long-time advocate for gainful employment and justice in the workplace.

Long before health care was a popular topic, Father Ted was creating links with existing providers to address the needs of underrepresented groups in accessing and receiving quality care from the health care system.

In the field of education, Father Ted has been active in both the private and public educational systems developing leadership opportunities for both parents and children. He ensures that the community learns to equate education with opportunity.

As cochair of the multicultural task force, Father Ted has been a leader in the crusade to obtain civil rights for all. He views racism as one of society's greatest evils and has never failed to denounce it as dehumanizing to both the bigot and the victim. He fights ignorance with education and answers hatred with love.

Because of his outstanding service, in 1993 the Diocese of Grand Rapids presented him with the Bishop Haas Award for Social Justice, its highest honor, named after the legendary Roman Catholic prelate and labor movement hero.

As a person who lives out his faith and embodies the highest ideals of his country, Father Ted Kozlowski is a shining example of service to others. Although his vocation is sectarian, his mission is ecumenical, always addressing the needs of the oppressed and underrepresented.

Father Ted Kozlowski is a visionary, a steadfast worker, and an outstanding citizen. His legacy of service is something all of us should strive to emulate.

WELCOME NEWS FROM MOSCOW
ON TROOP WITHDRAWAL FROM
ESTONIA

Mr. PELL. Madam President, yesterday Russian President Yeltsin and Estonia President Lennart Meri reached an agreement on Russian troop withdrawal that effectively brings an end to an era of foreign encroachment on Baltic sovereignty. I welcome the announcement that the remaining 2,300 Russian troops will indeed be withdrawn from Estonia by the August 31 deadline to which the Russian Government had previously committed. As of that date, troops of the former Soviet Union, which occupied half of Europe for half a century, will no longer be stationed on European soil.

I think we all recognize the great difficulties that the vestiges of Soviet occupation of Estonia, Latvia, and Lithuania have caused for Russia and the three Baltic countries. Undoing the Soviet legacy cannot take place overnight, although among the people who were victims of the occupation, there is an understandably strong desire for instant change. In this context, the leaders of all four countries deserve credit for achieving agreement on the withdrawal of Russian troops less than 3 years after the Soviet Union's dissolution.

While we recognized the difficulties involved in securing a pull out, earlier this month, many of us were very concerned by statements by President Yeltsin as well as by Russian parliamentarians suggesting that the August deadline would not be met. Accordingly, yesterday's announcement is especially good news.

I would note that the Clinton administration deserves a great deal of credit for its quiet, yet effective diplomatic role in facilitating the Russian-Estonia agreement. Most people do not realize the amount of energy President Clinton has personally expended on this issue. Earlier this month, for example, the President made troop withdrawal a top priority issue on his very busy European agenda.

The Senate, too, has taken a strong position on troop withdrawal. A couple of weeks ago, we adopted an amendment to the Foreign Operations appropriations bill that would have cut off assistance to Russia if the August 31 deadline was not met. With the signing of yesterday's agreement, it appears that any aid cut-off will be averted, which is certainly good news for the Russian reformers, who after all, are key to making the troop withdrawals possible.

THE TREATMENT OF THE BAHAI
COMMUNITY OF IRAN

Mr. DODD. Madam President, I rise to inform my colleagues of a letter that was recently sent to President Clinton by myself and several of my

colleagues regarding the treatment of the Baha'i community of Iran.

Madam President, ever since the Islamic regime took power in 1979, more than 200 members of the Baha'i faith—Iran's largest religious minority—have been executed and thousands have been imprisoned, solely on account of their religious beliefs. Although the repression appears to have been somewhat less violent in recent years, the Iranian Government continues to vigorously pursue a policy of religious repression of the Baha'is—a policy which was made explicit in an official government document revealed last year.

Iran's policy of pervasive religious discrimination threatens the very existence of the Baha'i community through severe economic and social repression. This has included the denial of education and job opportunities for Baha'is, confiscation of personal and community properties, and the denial of the right of the Baha'i community to meet and elect its leaders.

Last year, 52 Members of this body joined in cosponsoring Senate Concurrent Resolution 31, calling on Iran to end its religious persecution of the Baha'i community. This legislation was adopted by unanimous consent in the Senate on November 17, 1993. This year, the House of Representatives adopted an identical resolution by a recorded vote of 414-0. This represented the sixth time in the past dozen years that the U.S. Congress has adopted legislation expressing concern for the Iranian Government's persecution of the Baha'is.

Madam President, several Members of this body who took the lead in the adoption of Senate Concurrent Resolution 31 recently joined me in writing to President Clinton to urge the administration to continue its leadership and diplomatic efforts in support of the religious rights of the Baha'is. In the letter we urged the administration to continue to speak out in support of the cause of religious tolerance and freedom in Iran through the Voice of America and other appropriate public channels.

I ask unanimous consent that the full text of the letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 21, 1994.

The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The purpose of this letter is to commend to your attention recent legislative action on Senate Concurrent Resolution 31, a measure we introduced last year that calls on Iran to end its persecution of the Baha'i community. This legislation, which gained 52 Senate cosponsors and passed the Senate by a unanimous vote in November, was adopted by the House of Representatives by a 414-0 vote on April 19th.

We are pleased that the Congress has chosen, for the sixth time since 1982, to convey

its deep sense of concern over the officially-sponsored repression that has been directed against Baha'is since the Iranian Revolution. While this repression has been less violent in recent years, we remain concerned that the Baha'is—Iran's largest religious minority—continue to be singled out for persecution based on their religious beliefs. Indeed, this policy was made explicit in an official Iranian Government document that was revealed last year.

We know that you are committed to the cause of human freedom and civil liberties in Iran and that you are determined to take actions which serve to promote these important goals. To this end we urge the administration to continue its leadership and diplomatic efforts on the issue of the Baha'is and to continue to speak out in support of the cause of tolerance and freedom in Iran through the Voice of America and other appropriate public channels.

We welcome all you have done on behalf of the Baha'i community of Iran and we look forward to continuing to work with you in the future on this very important issue.

SINCERELY,

JOSEPH I. LIEBERMAN,

U.S. Senator,

CHRISTOPHER J. DODD,

U.S. Senator,

NANCY LANDON KASSEBAUM,

U.S. Senator,

JOHN MCCAIN,

U.S. Senator,

CLAIBORNE PELL,

U.S. Senator.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Madam President, before we ponder today's bad news about the Federal debt, how about a little pop quiz: How many million would you say are in a trillion? When you figure that out, just consider that Congress has run up a debt exceeding \$4½ trillion.

To be exact, as of the close of business on Tuesday, July 26, the Federal debt stood—down to the penny—at \$4,632,296,732,963.69. This means that every man, woman, and child in America owes \$17,767.69, computed on a per capita basis.

Madam President, to answer the question (how many million in a trillion?) there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than \$4½ trillion.

THE CRISIS IN RWANDA

Mr. MOYNIHAN. Madam President, the crisis in Rwanda is one of staggering proportions. Millions of lives hang in the balance as a result of this overwhelming humanitarian tragedy. Our ability to quickly implement a coordinated relief effort to those displaced is crucial. However, the key to success lies not only in providing supplies. Conditions inside Rwanda must be quickly stabilized so that refugees can soon return to Rwanda without the fear of violence.

Last week, President Clinton responded to the mass exodus of refugees

from Rwanda by ordering a round-the-clock airlift of food, water, and medicine to the border areas where American troops have been dispatched to distribute this aid. The United States has responded by contributing more than \$250 million in aid to Rwanda since April. I commend the efforts of the relief workers who have bravely met the crisis, the scope of which has not been witnessed in recent memory.

The United States is the best equipped to deal effectively with a crisis of these proportions. Indeed, the effort which President Clinton initiated last week reminds me of a past mission which displayed the ingenuity and generosity of our Nation. I am speaking, of course, Mr. President, of the Berlin airlift. At that time the United States, despite extreme logistical difficulties, was able to supply war-torn Berlin with humanitarian assistance. No matter we had just fought a world war with the Nazis. The United States responded to the genuine needs of the citizens of Berlin. We are now faced with an even more desperate situation than was witnessed in Berlin, and once again the President has mobilized a massive relief effort.

We are moving in the right direction but there is much still to be done to save the nearly 4.5 million Rwandans—both in and outside the country—displaced by the conflict. In the words of Panos Moutzies, spokesman for the U.N. High Commissioner for Refugees, Rwanda has become, "A nation without people." As we respond to the immediate needs of those displaced by the crisis, we must also begin working to bring about conditions in Rwanda that will restore the confidence of refugees and create the opportunity for them to safely and voluntarily return.

Yesterday, the Foreign Relations Committee received some encouraging news during a hearing on the crisis: Human rights monitors will be allowed to enter Rwanda, and United States troops will now establish an operation in the capital, Kigali, to distribute food to those in need inside the country. These are two important steps which will help bring stability to Rwanda. There is still more to be done.

A continued source of instability has been the radio propaganda broadcasts which throughout the crisis have encouraged genocidal violence. There are reports that a new station is broadcasting from Zaire, spreading rumors designed to frighten people from returning to Rwanda. These broadcasts are deadly. They must be stopped.

Finally, Madam President, now that the United States has mobilized for this humanitarian effort, I must remind my colleagues that the root of the current crisis is the genocidal slaughter that has swept Rwanda since early April. The United States has voluntarily accepted the obligation under article I of the U.N. Convention on the

Prevention and Punishment of the Crime of Genocide, to prevent and punish the crime of genocide. Without further delay, the U.N. peacekeeping force in Rwanda known as UNAMIR needs to become fully operational. That force is not yet in a position to adequately protect the Rwandan people from further genocide. In order to prevent further disaster, it is vital that this force be expanded and quickly deployed.

We must act with great vigor to combine the efforts of the United States, international aid organizations and the international community to bring assistance to the suffering people of Rwanda and prevent further slaughter. There can be no more delay.

TRIBUTE TO STEVE SHERICK

Mr. BAUCUS. Madam President, all too often, Federal bureaucrats are depicted in a negative light. Today, however, I want to recognize the retirement of a man who personifies the best of public service, Steve Sherick. Steve worked for the U.S. Forest Service for almost 35 years. Throughout his career, he never forgot that he worked for the public, and the public never forget what a good friend they had in Steve Sherick.

Perhaps Steve's greatest asset is that he came from Butte. As most every Montanan knows, Butte natives are blessed with strong character, a good sense of humor, an abundance of charisma, and an unflagging loyalty to Montana. Steve has all the above and then some.

For the past 25 years, Steve worked as a public affairs officer at Region 1 Headquarters. During my tenure here in Washington, DC, Steve became a good friend and a strong ally in protecting the interests of Montanans on issues relating to Forest Service policy. For that I am truly thankful.

Steve, I am going to miss you, Montanans are going to regret seeing you go, and the Forest Service is going to have a tough time finding your equal. On this, the day of your retirement from government service, I want to recognize all you have done for Montana and the Nation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that House insists on its amendment to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. HUTTO, Mr. SKELTON, Mr. MCCURDY, Mrs. LLOYD, Mr. SISISKY, Mr. SPRATT, Mr. MCCLOSKEY, Mr. ORTIZ, Mr. PICKETT, Mr. LANCASTER, Mr. EVANS, Mr. BILBRAY, Mr. TANNER, Mr. BROWDER, Mr. MEEHAN, Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON, Mr. KYL, Mr. DORNAN, Mr. HEFLEY, Mr. MACHTLEY, and Mr. SAXTON.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. GLICKMAN, Mr. RICHARDSON, and Mr. COMBEST.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346-347, 643, 924, 1051, and 1082 of the Senate bill and sections 351-354, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. WILLIAMS, Mr. GOODLING, and Mr. GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157-3158, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. SWIFT, Mr. MOORHEAD, and Mr. BILIRAKIS: *Provided*, That Mr. WAXMAN is appointed in lieu of Mr. SWIFT and Mr. BLILEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of section 708 of the Senate bill: *Provided further*, That Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of sections 324, 2821(e)(3), 2849, and 3157 of the Senate bill and section 1055 of the House amendment.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221-222, 225, 241,

251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016-1018, 1021(a), 1021(b), 1022-1023, 1024(c), 1031-1032, 1041, 1065, 1070, 1074, 1078-1079, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022-1025, 1038, 1041, 1043, 1046-1049, 1052, 1054, 1058-1060, 1201-1214, and 1401-1404 of the House amendment, and modifications committed to conference: Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, Mr. GILMAN, and Mr. GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, Mr. SYNAR, Mr. CLINGER, and Mr. MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1052-1053, 1089, and 3505 of the Senate bill and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. MAZZOLI, Mr. SENSENBRENNER, and Mr. MCCOLLUM.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501-3505 of the Senate bill and sections 522-523, 527, 531, 601-602, 1137, and 3134 of the House amendment, and modifications committed to conference: Mr. STUDDS, Mr. HUGHES, Mr. TAUZIN, Mr. FIELDS of Texas, and Mr. COBLE.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference: Mr. MILLER of California, Mr. VENTO, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, and Mr. DUNCAN.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331-334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference: Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference: Mr. MINETA, Mr. APPLIGATE, Mr. TRAFICANT, Mr. SHUSTER, and Mr. CLINGER: *Provided*, That Mr. DUNCAN is appointed in lieu of Mr. CLINGER solely for the consideration of section 2827 of the Senate bill.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232-233, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217-218, 223(a), 1112-1115, and 3141 of the House amendment, and modifications committed to conference: Mr. BROWN of

California, Mr. VALENTINE, Mr. SCOTT, Mr. WALKER, and Mr. ROHRBACHER.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference: Mr. MONTGOMERY, Mr. SLATTERY, Mr. APPELGADE, Mr. STUMP, and Mr. BILIRAKIS.

The message also announced that House disagrees to the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, and agrees to a conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House.

From the Committee on Public Works and Transportation, for consideration of titles I and II of the House bill, and the Senate amendment (except sections 121, 206, 304, 415, and 418 and title VI), and modifications committed to conference: Mr. MINETA, Mr. RAHALL, Mr. OBERSTAR, Mr. BORSKI, Mr. CLEMENT, Mr. SHUSTER, Mr. CLINGER, and Mr. PETRI.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title VI of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, and Mr. LEACH.

From the Committee on Education and Labor, for consideration of section 418 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. OWENS, and Mr. GOODLING.

From the Committee on Education and Labor, for consideration of section 208 of the House bill, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. WILLIAMS, Mr. GOODLING, and Mrs. ROUKEMA.

From the Committee on Foreign Affairs, for consideration of section 415 of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. LANTOS, Mr. ACKERMAN, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. GILMAN, Mr. GOODLING, and Mr. LEACH.

From the Committee on Science, Space, and Technology, for consideration of title III of the House bill, and sections 206 and 304 of the Senate amendment, and modifications committed to conference: Mr. BROWN of California, Mr. VALENTINE, Mr. GLICKMAN, Mr. GEREN of Texas, Ms. HARMAN, Mr. WALKER, Mr. LEWIS of Florida, and Mrs. MORELLA.

From the Committee on Ways and Means, for consideration of title IV of the House bill, and sections 121 and 122 of the Senate amendment, and modifications committed to conference: Mr. GIBBONS, Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

The message further announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes: from the Committee on Education and Labor Mr. MCKEON is appointed in lieu of Mr. GOODLING for consideration of section 418 of the Senate amendment and modifications committed to conference.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3838. An Act to amend and extend certain laws relating to housing and community development, and for other purposes.

H.R. 3870. An Act to promote the research and development of environmental technologies.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 3838. an act to amend and extend certain laws relating to housing and community development, and for other purposes.

H.R. 3870. An act to promote the research and development of environmental technologies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3110. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the audit of the financial statements of the Resolution Trust Corporation for calendar years 1992 and 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3111. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report with respect to a recent transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3112. A communication from the President of the United States, transmitting, pursuant to law, the report entitled "Republic of Palau: Economic Development Plan for fiscal years 1995-1999" and certain agreements; to the Committee on Energy and Natural Resources.

EC-3113. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on the operation of the trade agreements program; to the Committee on Finance.

EC-3114. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a

Presidential Determination relative to South Africa; to the Committee on Foreign Relations.

EC-3115. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on efforts by the United Nations and the Specialized Agencies to employ a fair share of Americans; to the Committee on Foreign Relations.

EC-3116. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference held on March 15, 1994; to the Committee on the Judiciary.

EC-3117. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Special Management Improvement Plan; to the Committee on Labor and Human Resources.

EC-3118. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the sixth special impoundment message for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Agriculture, Nutrition and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-605. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION NO. 82

"Whereas, the Civilian Conservation Corps was one of the most successful programs ever run by the United States government; and

"Whereas, the Civilian Conservation Corps was responsible for undertaking and completing a multitude of worthwhile projects, many of which are still providing benefits for the citizens of the United States; and

"Whereas, the essential element of the Civilian Conservation Corps, which was the foundation upon which the success of this program was based, was the service which the members of the Civilian Conservation Corps rendered to the program and to the United States; and

"Whereas, the United States Congress should recognize this service by authorizing the use of the United States flag to drape the coffins of former members of this program: Therefore, be it

"Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to authorize the use of the United States flag to drape the coffins of the former members of the Civilian Conservation Corps; and be it further

"Resolved, That a copy of this Resolution shall be transmitted to the members and the presiding officers of each house of congress and to the Louisiana congressional delegation."

POM-606. A resolution adopted by the Commission of the City of Coral Gables, Florida relative to the Republic of China on Taiwan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with amendments:

S. 617. A bill to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization or water reuse facility to develop such facilities (Rept. No. 103-320).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2326. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH:

S. 2327. A bill to amend the Civil Rights Act of 1964 to encourage mediation of charges filed under title VII of such Act and the Americans with Disabilities Act of 1990, to amend the Revised Statutes to encourage mediation of complaints filed under section 1977 of the Revised Statutes, and to decrease resort to the courts; to the Committee on Labor and Human Resources.

By Mr. SIMON (by request):

S. 2328. A bill to revise and simplify certain labor laws applicable to Federal contracts, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2329. A bill to settle certain Indian land claims within the State of Connecticut, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPENCER, and Mr. JEFFORDS):

S. 2330. A bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. BREAUX, Mrs. BOXER, Mr. PRYOR, Mr. BUMPERS, and Mr. JOHNSTON):

S. Con. Res. 73. A concurrent resolution expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2326. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TRUTH IN POULTRY LABELING ACT

• Mrs. BOXER. Mr. President, I am pleased to introduce today the Truth in Poultry Labeling Act of 1994. This legislation directs the Secretary of Agriculture to restrict the use of the term "fresh" to poultry that has never been kept frozen.

The bill would close a loophole in Federal law that allows frozen chickens and turkeys to be labeled and sold as fresh.

A few weeks ago fresh poultry producers held an event outside the Rayburn House Office Building featuring frozen chicken bowling. Members of the House actually bowled frozen chickens, clearly labeled as fresh. Even in the heat of a Washington summer the hard-as-rock chickens skated along the floor and knocked down pins as effectively as bowling balls.

Mr. President, this situation is not only absurd, it is grossly unfair to consumers and to the producers of genuinely fresh poultry. Consumers have no way of knowing whether the chickens and turkeys they buy for dinner are really fresh or whether they have been kept frozen for months and thawed out for sale.

And what's the difference? Consumers and some of our best chefs have testified that, in terms of taste and texture, fresh poultry is superior to poultry that has been kept frozen. Because of that, consumers are willing to pay a premium price for fresh poultry. Unfortunately, because of misleading labels, consumers are not always getting what they're paying for.

In addition, producers of genuinely fresh poultry in States like California are at a significant disadvantage as big out-of-State producers of frozen poultry benefit from lower feed costs, lower labor costs, and less stringent health, safety and environmental standards. This puts 25,000 jobs at risk in California alone.

We must put an end to the deception allowed by current law. Poultry that has been frozen and then thawed should be accurately labeled. This bill would in no way prohibit poultry producers from selling their frozen products in California or anywhere else. It would simply restrict their right to use the term "fresh" to products that are in fact fresh.

The Truth in Poultry Labeling Act of 1994 is supported by Consumers Union, the National Consumers League, Public Voice, the California Poultry Industry

Federation, the Consumer Federation of America, and the United Food and Commercial Workers International Union.

I urge my colleagues to support this sensible legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Poultry Labeling Act of 1994".

SEC. 2. REGULATIONS ON LABELING OF POULTRY.

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations under the Poultry Product Inspection Act (21 U.S.C. 451 et seq.) that prohibit the use of the term "fresh" on labeling of any poultry or poultry part, or of any edible portion of the poultry or part, that has been frozen or previously frozen to below 26 degrees Fahrenheit.

By Mr. DANFORTH:

S. 2327. A bill to amend the Civil Rights Act of 1964 to encourage mediation of charges filed under title VII of such act and the Americans with Disabilities Act of 1990, to amend the Revised Statutes to encourage mediation of complaints filed under section 1977 of the Revised Statutes, and to decrease resort to the courts; to the Committee on Labor and Human Resources.

EMPLOYMENT DISPUTE RESOLUTION ACT OF 1994

• Mr. DANFORTH. Mr. President, I introduce the Employment Dispute Resolution Act of 1994. A companion bill, H.R. 2016 has been introduced in the House by Representative STEVE GUNDERSON.

This legislation is designed to provide an alternative to litigating employment discrimination claims. When I first introduced this measure in 1992, it was needed to ease the burden on the already swamped and overloaded court system and EEOC. Since that time, the plight of the courts and the EEOC has become steadily worse, and the need for this measure has become even more desperate.

According to EEOC Chairman Tony Gallegos, the agency received almost 88,000 new charges of discrimination in the year ending September 30, 1993. This is almost 22 percent more than the previous year and 38 percent more than 1991. This dramatic increase is the anticipated result of the protections legislated by Congress in the Americans with Disabilities Act [ADA] and the Civil Rights Act of 1991 [CRA].

Of course the effects of this deluge of claims are felt throughout the system. In September 1992, then-Chairman Evan Kemp reported that "EEOC investigators are already stretched to the

limit. They will break under these conditions." Since then, matters have become even more drastic. The Americans With Disabilities Act and the Civil Rights Act of 1991 have both created protections which have generated significant numbers of claims. At the same time, claims of sexual harassment have doubled. As a result, the average time for processing a claim has more than doubled. And this hurts the claimants whose civil rights Congress wants to protect.

As Chairman Kemp said in 1992:

Those who turn to the EEOC for relief will be forced to wait nearly three years before the agency can resolve their charges. A woman who files a charge of pregnancy discrimination, for example, will not see the case resolved until her child is in pre-school.

The practical implications of such a delay are horrendous. They are horrendous not only for the charging party who feels his or her rights have been violated, but for the business charged with the alleged violation. An employer would be faced with the administrative nightmare of producing information to justify actions of three or four years earlier.

Chairman Kemp's analysis was corroborated by a recent GAO report which reviews the EEOC's methods for investigating and litigating discrimination charges. As reported by the GAO, by fiscal year 1996, the processing time for a discrimination claim could more than double. The GAO concluded that this delay can seriously injure complaining parties:

The longer it takes to investigate a charge, the greater potential for difficulty in (1) locating witnesses, (2) obtaining from witnesses credible accounts of the actions alleged to be discriminatory, and (3) securing settlements—because the larger liability involved after a long time could make some employers less willing to settle. ***

The extensive processing times *** that charging parties can expect to face in EEOC appear incompatible with the mission of the Commission "to ensure equality of opportunity by vigorously enforcing federal legislation prohibiting discrimination in employment ***.

It is only getting worse. As of yesterday, July 26, the Americans with Disabilities Act has expanded to cover businesses with 15 or more employees; until now, it has only covered those with 25 or more. The EEOC simply cannot handle this explosion.

The situation in the courts is also disaster. The Civil Rights Act of 1991 added jury trials for compensatory and punitive damages to both title VII and the Americans with Disabilities Act. These valuable antidiscrimination measures are naturally strong incentives to litigate. Even before the enactment of these amendments, the number of private employment discrimination suits skyrocketed over 2,000 percent between 1970 and 1990.

Increasingly, therefore, the courts are not viable as a responsible enforcement mechanism. Finally, even if there were no problems of overcrowded court dockets and delays that are matters of

years, the adversarial nature of a prolonged legal battle is so hostile, that it overcomes most prospects of resuming a productive work relationship after resolution of the charge.

There should be a better way and there is. It is called mediation. In the winter 1991-92 issue of *The Journal of Intergroup Relations*, a publication of the National Association of Human Rights Workers, there is an article called "Mediation of Civil Rights Complaints: Win/Win." The author, Clark Field, is a human relations specialist in Evansville, IN. He explains, simply, accurately and compellingly, why mediation is a superior method for resolving employment discrimination claims. I agree.

But I would like to share with my colleagues some of the arguments he makes in the article. Mr. Field's experience has led him to corroborate that which is intuitively true. That the adversarial process of litigation is itself destructive and a barrier to resuming a continuing employment relationship. That, even when a complainant wins the battle, he or she loses the war.

"Is there a better way?" asks the article. "A win/win method of dealing with discrimination charges, where the relationship of employer and employee may be maintained? Maybe so. With mediation, everyone wins."

The Employment Dispute Resolution Act is not just expedient, although it is that. It is not just speedier, although it is that. It is not just cost-effective, although it is that. This act is important because it is fair and good. It recognizes the plight of complainants who are intimidated by the prospect of hiring lawyers to embark on a prolonged, hostile and confusing battle that may take years to resolve. It provides neutrality and confidentiality to reassure employers that they should try to mend the situation rather than use their muscle to get their way in court.

In conversations my office has had with Mr. Field he has told us that he can mediate a case in 2 hours that normally would take 6 to 12 months or more to investigate. But, he says that "the most beautiful thing is to see people walk out smiling, shake hands and go away friends."

The concept of mediation as a win/win approach is being asserted by more and more experts in the field of employment disputes. In the June 1994 *Labor Law Journal*, an article entitled "Mediation of Employment Discrimination Claims: The Win/Win ADA Option" describes how well suited mediation is to resolving employment disputes. I recommend this article to my colleagues who are interested in doing something practical to help employees protect their rights in a timely and reasonable way. As that article concludes, mediation "is an especially appropriate vehicle for resolving employment discrimination claims, because

mediation makes possible creative outcomes that serve the respective interests of the parties in ways that litigation or arbitration cannot."

And when these experts call mediation a win/win proposition, they are right on target. According to the GAO, "[m]ediation was the ADR approach discussed most often" in the interviews they conducted with EEOC commissioners, three former EEOC chairpersons, headquarters and field staff, Fair Employment Practice Agency staff, lawyers for charging parties and respondents and representatives of interest groups.

This has been my experience as well, when I have discussed my own mediation proposal. All sides recognize they have something to gain. Mr. Field reports that employers are sometimes reluctant to mediate out of fear that they may be surrendering some of their power. Increasingly, however, employers are recognizing that such fears are unfounded. That is the subject of a recently published monograph called "Alternative Dispute Resolution Techniques: Options and Guidelines To Meet Your Company's Needs." In that book, Douglas McDowell, the general counsel to the Equal Employment Advisory Council sets out the advantages which accrue to employers if they agree to mediate discrimination claims.

In April, Mr. McDowell testified before the Commission on the Future of Worker-Management Relations. The Commission, formed by Secretaries Reich and Brown, is headed by former Labor Secretary John Dunlop. Mr. McDowell recommended that the Commission closely examine the Employment Dispute Resolution Act and suggested that the approach taken by my bill could have a positive effect on resolving employment disputes before they reach the courts.

Mr. President, it is rare that labor and management find mutual advantage from the same reform. The Employment Dispute Resolution Act is one such rarity. I hold no illusions that mediation will be successful in every case. But under this act, there really is no downside. This legislation does not compel parties to mediate in all circumstances. However, where either of the parties feels that a settlement can be achieved in mediation, then the parties cannot proceed to litigate in the courts without first trying to work out their differences in mediation.

Let us act now to make available the civil rights protections we struggled so hard to win. Let us ease the massive burden of the EEOC and the courts. Let us establish procedures that are quicker, cheaper, and friendlier.

Mr. President, I ask unanimous consent that excerpts of Mr. Field's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Intergroup Relations,
Winter 1991-92]

MEDIATION OF CIVIL RIGHTS COMPLAINTS: WIN/WIN

(By Clark G. Field)

INTRODUCTION

If you are not familiar with Mediation, let me first define it and describe it as a process. Mediation is the coming together of disputants with an unbiased facilitator ("third party neutral"), who will assist both parties—although there can be more than two disputants—in reaching an agreement. The mediator absolutely makes no decisions, but only facilitates consensus decision-making.

Mediation is not: compromise, negotiation, arbitration, conciliation, nor striking a deal.

Mediation is: voluntary, immediate, future oriented, confidential, hard on facts but soft on persons; conducted by an unbiased, trained mediator; and respectful of disputants.

In a few months, I will have been writing "VS" on my letters, questionnaires, fact-finding conference notes, and investigative summaries for eight years. I am a Human Relations Specialist/Investigator for the City of Evansville and Vanderburgh County, Indiana, and I have written that abbreviation "VS" thousands of times. Versus means "against"; it means "doing battle," "overcoming"—"VS" means "win/lose." Our society instinctively thinks of suing, forcing, litigating, winning when it comes to disputes.

When a person comes into our Human Relations office to file a discrimination charge (ninety-five times out of one-hundred, it will be in the area of employment), the common procedure is adversarial—only lately am I explaining the mediation option. If both parties should be amenable, we work out an informal resolution and, if the Complainant is found to have made a good case for him/herself (received a "Probable Cause" ruling), there is a time set (maybe twenty days) for reconciliation—these efforts I term "hit and miss" affairs.

There is an inherent flaw in our system, in our adversarial approach, and it is this. Typically, when the Complainant "wins" his/her case—proves discrimination because of race, sex, color, religion, national origin, age, or handicap—she/he will choose not to return to work for the same employer (Respondent). The feeling is that things will not be the same, that he/she will be picked on, or treated worse. Both Respondent and Complainant are reminded that retaliation is illegal, but Complainant still will be afraid to return to the old position. Therefore, we can say that Complainant "wins the battle, but loses the war."

It is my experience that more anger and ill will are generated by race discrimination charges than by any other kind. When the Respondent receives the official charge, e.g., "John Jones VS. John Doe Corp.," a combination of feelings erupt in many employers, such as: anger, hostility, fear, hurt, bellicosity, indignation, frustration, embarrassment, defensiveness, vindictiveness, and maybe self-righteousness. More than anything else, whites do not like for blacks to point fingers at them and label them as discriminators and racists. Maybe, back in the recesses of our genetic history, guilt and fear linger as a remnant of slavery.

Is there a better way? Another route, other than "VS"? A win/win method of dealing with discrimination charges, where the relationship of employer and employee may be maintained? Maybe so. With Mediation, everyone wins.

PROBLEMATIC AREAS

1. The Motivation to Mediate

My experience has been that Complainant will usually consent to Mediation, while Respondent is much more hesitant. The reasons are pretty obvious, namely: Complainant has a lot to gain, such as an immediate resolution of the complaint and the repairing of the employer/employee relationship, while the Respondent must deal with a number of obstacles, including: fear of the unknown; fear of giving up power; fear of compromising their position; and the traditional dependence on legal counsel in such matters.

One of the challenges facing the mediator is that of balancing the power. In a Title VII (employment) charge, the power imbalance can be more pronounced than in any other setting—a large corporation facing an unemployed, and sometimes uneducated, ex-employee. But the more employers realize that not only valuable time, energy, and expense can be saved, but also valuable, trained employees can be "kept on board," the more they may choose the Mediation option.

In some Mediations, both parties, after they are familiar with the "Rules and Regulations of Mediation," are required to sign an agreement "to begin Mediation." This can be an important tool for successful Mediation.

2. That Impartiality Be Ensured

The most important attribute of any mediator is impartiality. If the investigator also serves as the mediator, there may be a conflict of interest should no agreement be mediated. For instance, if one of the participants proves to be very difficult, later this may bias the mediator/investigator.

In one of my mediations, I realized that Complainant, a white woman, was prejudiced against her black co-workers. She also appeared to have an emotional problem. As the Mediation progressed she backed off, and no agreement was reached. Because of this experience, I felt that she had no legitimate discrimination charge—she was claiming handicap discrimination. As it happened, we went to Mediation before she filed a discrimination charge. Had she later returned to file such a charge, I would have had to refer her to another investigator.

Generally, the mediator and the investigator should be different persons. In small offices, where there is only one investigator, something would have to be worked out. Where there is only an executive director and a secretary and where the Human Relations Commission does not have the force of law, as is the case in some rural Kentucky offices, Mediation could be extremely expedient, if properly promoted.

3. Timeliness

There is always a time limit, usually well defined, for filing discrimination charges. In Indiana, it is ninety days from the last date of harm for local and state commissions, and usually one hundred and eighty days for the Equal Employment Opportunity Commission (EEOC). Since Mediation is voluntary and unofficial, it is better for Complainant's charge to be filed initially, in order to preserve the timeliness. Then, when Mediation results in an agreement, Complainant can withdraw his/her charge. Otherwise, Complainant's timely filing could be compromised.

CONCLUSION

At a time in the United States when cities and states are experiencing a financial crunch and as we move into 1992, when the Americans with Disabilities Act (ADA) will

"kick in" for handicapped persons—thus presenting enforcement agencies with perhaps 30 percent more complaints—Mediation can be a very "timely" process. With Mediation, the possibilities are almost limitless. It empowers both employer and employee to sit down together and solve their problems—this way, both win.

While we have been focusing on discrimination in employment in this paper, Mediation will serve a similar purpose in other discrimination charges—housing, education, finance, and public accommodations. In housing especially, Complainants need immediate action, and the survey showed that some offices use Mediation exclusively for housing discrimination charges.●

By Mr. SIMON (by request):

S. 2328. A bill to revise and simplify certain labor laws applicable to Federal contracts, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL ACQUISITION LABOR LAW IMPROVEMENT ACT OF 1994

● Mr. SIMON. Mr. President, I am pleased to introduce today the Federal Acquisition Labor Law Improvement Act of 1994. I am introducing the legislation on behalf of the Clinton administration. The Federal Acquisition Labor Law Improvement Act of 1994 is the product of work initiated by the National Performance Review as part of their efforts to streamline the Federal procurement process. The bill proposes reforms to the Davis-Bacon Act and other labor laws applicable to Federal contracts. The reforms are designed to clarify the law and to reduce administrative burdens.

The administration remains strongly committed to the protections that the Davis-Bacon Act and other laws provide to workers. These reforms are designed to balance the objectives of these laws with the administration's goal to streamline the Federal procurement process. The key components of the Davis-Bacon Act reform in the proposal are: a threshold increase, simplified reporting requirements, a clarification of coverage, and a private right of action.

Mr. President, I look forward to working with the administration as the Federal Acquisition Labor Law Improvement Act of 1994 moves through the legislative process. I ask unanimous consent that the bill, and other material be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acquisition Labor Law Improvement Act of 1994".

SEC. 2. AMENDMENTS TO THE DAVIS-BACON ACT.

The Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the "Davis-Bacon Act", 40 U.S.C. 276a et seq., is amended—

(1) by retitling section 1 (40 U.S.C. 276a) to read "CONTRACT REQUIREMENTS" and amending subsection (a) to read as follows:

"(a) REQUIRED PROVISIONS.—(1) IN GENERAL.—A contract described in subsection (b) which requires or involves the employment of mechanics and/or laborers shall contain a provision:

"(A) stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed;

"(B) which stipulates that the contractor or subcontractor under the contract shall pay all laborers and mechanics under the contract—

"(i) unconditionally,

"(ii) not less often than once a week; and

"(iii) without subsequent deduction or rebate on any account, unless otherwise authorized in writing by such laborer or mechanic in accordance with section 186(c)(4) of title 29, United States Code or by regulations issued by the Secretary of Labor, the full amounts accrued at the time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics;

"(C) which stipulates that the requirements of paragraph (A) shall apply to laborers and mechanics employed by the contractor or subcontractor to work directly upon the site of the work, including work at fabrication plants, batch plants, tool yards or similar facilities (other than previously established facilities of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to the contract work) which are not located on the project site but are dedicated exclusively, or nearly so, to construction of the project; and to laborers and mechanics, including truckdrivers, employed by the contractor or subcontractor to transport materials, supplies, and equipment to and/or from the site of the work (other than the hauling of materials or supplies to the site of the work from a permanent previously established facility by truckdrivers employed by a bona-fide independent trucking company or bona-fide material supplier), including between the actual construction location and other covered facilities; and

"(D) which stipulates that there may be withheld from the contractor under the contract or any contract between the same contractor and Federal Government or the District of Columbia or under any Federally assisted contract subject to Davis-Bacon prevailing wage requirements so much of accrued payments as may be considered necessary by the contracting officer or by the Secretary of Labor to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors or their agents, and, if the violations are willful, to pay an additional equal amount as liquidated damages. Funds withheld under this section shall be placed in an interest bearing account until the disposition of the funds is administratively and/or judicially resolved.

"(2) POSTING.—A contractor or subcontractor under a contract described in subsection (b) shall post the scale of wages required to be paid under such contract in a prominent and early accessible place at the site of the contract work."

(2) by redesignating subsection (b) as (c), inserting "WAGES.—(1) DEFINITION.—" after "(c)", redesignating "(1)" and "(2)" as "(A)" and "(B)", redesignating "(A)" and "(B)" as "(i)" and "(ii)", changing all references to "subparagraph (2)(A)" to "subparagraph (B)(i)", changing all references to "subparagraph (2)" to "subparagraph (B)(ii)", changing all references to "paragraph (1)" to "subparagraph (A)", change all references to "paragraph (2)" to "subparagraph (B)", and by inserting "(2) OVERTIME.—" at the beginning of the last paragraph of the subsection;

(3) by inserting the following as new subsection (b) of section 1 (40 U.S.C. 276a) to read as follows:

"(b) COVERED CONTRACTS.

"(1) IN GENERAL.—The requirements of this section shall apply to any contract to which the United States or the District of Columbia is a party:

"(A) for the new construction, complete rehabilitation or reconstruction, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia in excess of \$100,000;

"(B) for the repair and/or alteration, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia in excess of \$50,000.

"(2) LEASES OF REAL PROPERTY.—The requirements of this section shall apply to any contract to which the United States or the District of Columbia is a party for the new construction, complete rehabilitation or reconstruction, including painting and decorating, of any building or work which is so constructed, rehabilitated or reconstructed for lease to, and in preparation for occupancy and use by, the United States or the District of Columbia where such lease provides for an average annual rental in excess of \$100,000, provided, that any use of the building or work other than by the United States or the District of Columbia will be functionally or quantitatively incidental to the use and occupancy by the United States or the District of Columbia.

"(3) FEDERALLY ASSISTED.—(A) The requirements of this Act apply as provided in subparagraph (B) of this paragraph to any project for the construction, rehabilitation, reconstruction, alteration or repair, including painting and decorating, of buildings or works which are financed in whole or in part by loans, grants, revolving funds, loan guarantees, or other assistance from the United States pursuant to a statute which (i) is enacted after the effective date of this Act unless exempted or otherwise limited by Federal law, or (ii) contains a provision requiring the payment of prevailing wages as determined by the Secretary of Labor pursuant to this Act.

"(B) The provisions of this Act shall apply to Federally assisted projects if the amount of Federal financial assistance provided for the project exceeds the applicable thresholds set forth in this subsection for contracts to which the United States or the District of Columbia is a party. In the case of loan guarantees or other assistance for which the instrument of Federal financing or assistance

does not have an aggregate dollar amount or cannot be determined, this Act shall apply when the value of the assisted project exceeds the applicable threshold set forth in this subsection for projects to which the United States or the District of Columbia is a party.

"(4) ADJUSTMENTS FOR CHANGES IN DOLLAR VALUES.—The amounts of the thresholds set forth in paragraph (1) shall be adjusted by the Secretary of Labor each year that is divisible by 5 to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, shall be rounded to the nearest \$1,000. The adjusted threshold shall be effective upon publication in the Federal Register to contracts for which bids are solicited or negotiations concluded after such publication.

"(5) PROHIBITION ON SPLITTING CONTRACTS.—No project that would, if procured under a single contract, be subject to the requirements of this Act may be divided into multiple contracts of lesser value to avoid the application of this Act.

"(6) PREEMPTION.—Neither the requirements of subsection (a) nor the provisions of any other Federal law or regulation related to prevailing wages shall, solely by reason of such prevailing wage provisions preempt the application of requirements for the payment of wages or fringe benefits or both adopted by State, local or tribal governments otherwise applicable to contracts for the construction, rehabilitation or reconstruction, repair or alteration, including painting and decorating, of buildings and works financed in whole or in part by loans, grants, revolving funds, loan guarantees, or other assistance from the United States, unless compliance with such requirement would make it impossible to comply with the requirements of subsection (a)."

(4) by retitling section 3 (40 U.S.C. 276a-2(a)) to read "ENFORCEMENT" and amending subsection (a) to read as follows:

"(a) ADMINISTRATIVE PROCEDURES.—(1) PAYMENTS.—The Secretary of Labor is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the contract or any contract between the same contractor and the Federal Government or District of Columbia or under any Federally assisted contract subject to Davis-Bacon prevailing wage requirements any wages found to be due laborers and mechanics pursuant to this Act, and if the violations were willful, for payment of an additional equal amount as liquidated damages. Any sum not paid to an employee because of inability to do so within 3 years shall be deposited into the miscellaneous receipts of the United States Treasury. If the accrued payments withheld are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required by this Act, the Secretary or any laborer or mechanic or any organization authorized to represent such laborer or mechanic may, within one year of the conclusion of all administrative proceedings, bring an action against the contractor and the contractor's sureties or other responsible parties for the payment of wages and liquidated damages found due by the Secretary. In such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. Every suit instituted under this subparagraph shall be brought in the United States district court for the district in which the contract was performed, where the contractor or subcontractor is

currently doing business, or where the contractor or subcontractor maintains its payroll records, irrespective of the amount in controversy in such suit. In such suits, the parties must conform to Chapter 7 of Title 5 of the United States Code.

"(2) DEPARTMENT.—The Secretary of Labor is further authorized and directed to provide the names of persons or firms whom the Secretary has found to have disregarded their obligations to employees and subcontractors to the General Services Administration for inclusion on the governmentwide List of Parties Excluded from Federal Procurement and Nonprocurement Programs. No contract shall be awarded to the person or firm appearing on this list or to any firm, corporation, partnership, or association in which such person or firm has an interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list.

"(3) AUTHORITY.—The Secretary of Labor shall prescribe appropriate standards, regulations and procedures in order to assure coordination of administration and consistency of enforcement of this Act which shall be observed by the Federal agencies responsible for administration of contracts described in subsection (b) of section 1 of this Act. The Secretary of Labor and the Federal agencies awarding contracts or providing financial assistance to projects are authorized to investigate compliance by any contractor or subcontractor with the requirements of the Act, and may take such action to secure compliance with such requirements as may be appropriate. The Secretary shall have the power to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the case of contumacy, failure, or refusal of any person to obey such order, any district court of the United States or of any territory or possession, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon application by the petitioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the Secretary or a representative designated by the Secretary, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof."

(5) by amending subsection (b) of section 3 (40 U.S.C. 276a-2(b)) to read as follows:

"(b) REVIEW PROCEDURES.—(1) ACTION BY THE SECRETARY.—The Secretary of Labor shall issue regulations providing procedures for making determinations regarding the application of this Act to given contracts.

"(2) COVERAGE REVIEW.—(1) Any interested person, as defined in regulations issued by the Secretary of Labor, shall have the right to request the Secretary of Labor to make a determination regarding the applicability of the Act to a contract. Such determination shall be binding upon the Federal agencies awarding contracts or providing financial assistance and any recipient of financial assistance. If the Secretary notifies the contracting agency that the contract is subject to the Act, the contracting authority shall include in the contract the provisions required by section 1, including any applicable wage determination issued by the Secretary or his authorized representative, through the

exercise of any and all authority that may be needed (including, where necessary, its authority to negotiate or amend, its authority to pay any necessary additional costs, and its authority under any contract provision authorizing changes, cancellation, and termination).

"(ii) Any person adversely affected or aggrieved by a determination by the Secretary of Labor made on a petition filed pursuant to paragraph (i), may obtain review of such determination in any United States court of appeals for the circuit in which such person is located, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days following issuance of such determination, a written petition praying that such determination be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court in which it is filed to the Secretary and to other interested persons. Review shall conform to Chapter 7 of Title 5 of the United States Code."

(6) by amending section 3 (40 U.S.C. 276a-2) to add a new subsection (c) to read as follows:

"(c) RIGHT OF ACTION.—(1) IN GENERAL.—A laborer or mechanic employed pursuant to a contract, subcontract, loan, grant or other agreement which incorporates the provision required by section 1, or an organization authorized by such laborer or mechanic to represent the laborer or mechanic, who has not been paid in full therefor shall have the right to sue the contractor and/or subcontractor and the contractors' sureties for the amount, or balance thereof, unpaid and, if the violations were willful, for an additional equal amount as liquidated damages, and to prosecute said action to final execution and judgment for the sum or sums justly due the laborer or mechanic. A copy of the complaint shall be served on the Secretary of Labor. Such an action shall be commenced not later than 180 days after the day on which the last labor was performed under the contract with respect to which the action is brought, except that such time allowed for commencement shall be tolled if the contract is under investigation or review, including review of the applicability of the Act to the contract, by the Secretary of Labor pursuant to section 2(b) of this Act. In such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. Any action that requires a determination of the applicability of the Act shall first be referred by the Court to the Secretary of Labor for the opportunity to make a decision pursuant to paragraph (b)(2) of this section. No action may be brought or maintained under this paragraph by a laborer or mechanic with respect to the laborers' or mechanics' wages if an administrative proceeding or judicial action has been brought by the Secretary for the payment of wages alleged due such laborers or mechanics.

"(2) ACTION.—Every suit instituted under paragraph (c)(1) shall be brought in the United States District Court for the district in which the contract was performed, where the contractor or subcontractor is currently doing business, or where the contractor or subcontractor maintains its payroll records, irrespective of the amount in controversy in such suit.

"(3) ATTORNEY'S FEE.—The Court in any action brought under paragraph (c)(1) shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and the cost of the action."

SEC. 3. AMENDMENTS TO THE COPELAND ACT.

Section 2 of the Act of June 13, 1934, 48 Stat. 948, as amended, commonly referred to as the "Copeland Act", 40 U.S.C. 276c, is amended to read as follows:

"(a) The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair and/or alteration of buildings or works subject to the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), or to the requirement of payment of wages determined in accordance with the Davis-Bacon Act. The regulations shall include provisions: (1) requiring contractors and subcontractors to submit along with each payment request under the contract a signed statement certifying that all persons employed in the performance of work under the contract have been paid the full amount of wages earned without deductions, except as permitted by regulations under this act, during the period covered by the payment request and certifying that all payroll records maintained and/or submitted by the contractor or subcontractor under subsections (b) and (c) of this section are correct and accurate, and (2) requiring lessors to submit monthly during the period of construction subject to prevailing wage provisions of the Davis-Bacon Act a signed statement certifying that all persons employed in performance of work under the contract have been paid the full amount of wages earned without deductions, except as permitted by regulations under this Act, during the period covered by the payment request and certifying that all payroll records maintained and/or submitted by the contractor or subcontractor under subsections (b) and (c) of this section are correct and accurate. Section 1001 of title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statements.

"(b) Such regulations shall provide, among other things—

"(1) in the case of contracts which exceed \$100,000 (as adjusted under section (b)(3) of 40 U.S.C. 276a), that all contractors and subcontractors, unless waived by the Secretary of Labor, shall furnish with respect to persons employed in such work not later than the 10th day of each month a payroll statement which sets forth at least the following information for each person for each payroll period ending during the preceding calendar month: the name, address, social security number, employment classification, number of hours worked daily and during the payroll period, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits), all deductions made, and actual wages paid, and

"(2) procedures for waiving the requirement for submission of monthly payroll statements based on criteria established by the Secretary of Labor. Such criteria shall include, but are not limited to, the contractor or subcontractor (A) has never been debarred for disregarding its obligations to employees under the Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the "Davis-Bacon Act" or any other labor standards statute, (B) has demonstrated a thorough knowledge of the requirements of the Davis-Bacon Act through a history of compliance with the requirements of the Davis-Bacon Act over a substantial period of time, and (C) has otherwise demonstrated through performance that it is a responsible contractor.

"(c)(1) Each contractor and subcontractor shall maintain payroll and other basic records relating to payroll as required by

regulations issued by the Secretary of Labor and shall preserve such records for a period of three years after completion of the contract work.

"(2) The contractor or subcontractor shall submit payroll and related records to the contracting officer or the authorized representatives of the Secretary of Labor upon request, and make payroll and related records available for inspection upon request. If a contractor or subcontractor fails to make records available in a timely manner as required herein, the Secretary of Labor or authorized representatives or the contracting officer may suspend all payments to the contractor or subcontractor. Any statement provided under this section, excepting social security numbers, may be obtained by any person from any department, agency, or contracting authority which is required by law, regulation, or the terms of a contract, grant, or other agreement, to maintain a record of such statement without regard to the provisions of section 552 of title 5, United States Code.

"(3) The Secretary of Labor may require by subpoena testimony and the production of payroll and related record access to which is provided by this section. Any such subpoena in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(4) The Secretary of Labor may debar contractors, subcontractors or other persons pursuant to section 3(a)(2) of the Davis-Bacon Act who fail to submit payroll records when requested to do so or who fail or refuse to make payroll records available for inspection, including contractors and subcontractors who fail to retain required records, or who maintain or provide false payroll records.

"(5) Any contractor, subcontractor or other person whose duty it shall be to employ, direct, or control any laborer or mechanic employed in the performance of any contract to which this Act applies who other than inadvertently provides false payroll records to the Government under any mechanism provided for in this section, shall be subject to a fine of not to exceed \$25,000, or by imprisonment for not more than one year, or both, in the discretion of the court having jurisdiction thereof.

"(d) This section shall not apply to any contract or project that is exempted by its size from the application of the Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the 'Davis-Bacon Act', 40 U.S.C. 276a et seq."

SEC. 4. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.

The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327-333) is amended—

(1) by striking, in subsection 330(a), "Comptroller General of the United States" and substituting "Secretary of Labor";

(2) by striking, in subsection 333(d)(1), "Comptroller General" and substituting "General Services Administration"; and

(3) by amending subsection 333(d)(2) to read as follows:

"(2) The General Services Administration shall include each name so transmitted on the governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. No contract shall be awarded to the person or firm appearing on the list or to any firm, corporation, partnership, or association in which such person or firm has a substantial interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list."; and

SEC. 5. SERVICE CONTRACT ACT.

The Service Contract Act, Pub. L. 89-286, as amended (41 U.S.C. 351(a)), is amended—

(1) by striking, in subsection 4(d), "if authorized by the Secretary," and "not exceeding five,";

(2) by amending subsection (a) of section 5 to read as follows:

"(a) The Secretary is directed to provide the names of persons or firms that the Secretary has found to have violated this Act to the General Services Administration for inclusion on the governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. Unless the Secretary determines otherwise because of unusual circumstances, no contract of the United States shall be awarded to the person or firm appearing on this list or to any firm, corporation, partnership, or association in which such person or firm has a substantial interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list."; and

(3) by striking paragraph (2) of section 7 and redesignating paragraphs (3) through (7) as (2) through (6).

SEC. 6. EFFECTIVE DATE.

This Act shall apply to all contracts entered into pursuant to negotiations concluded or invitations for bid issued on or after 180 days from the date of enactment of this Act.

FEDERAL ACQUISITION LABOR LAW IMPROVEMENT ACT OF 1994—SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 provides that the proposed Act may be cited as the "Federal Acquisition Labor Law Improvement Act of 1994."

SECTION 2—AMENDMENTS TO THE DAVIS-BACON ACT

Section 2 amends provisions of the Davis-Bacon Act to address the following issues:

Designation of locality

Subsection (a)(1)(A) of Section 1 of the Act (40 U.S.C. 276a) as amended deletes all reference to "city, town, village, or other political subdivision of the State" and substitutes in its place "in the locality where the work is performed". This change conforms the language of the Davis-Bacon Act and the Service Contract Act and gives the Department of Labor greater flexibility for establishing wage determinations.

Authorized deductions from wages

Subsection (a)(1)(B)(iii) of Section 1 of the Act (40 U.S.C. 276a) as amended requires contractors and subcontractors to pay laborers and mechanics unconditionally at least weekly and without subsequent deduction or rebate. A new exception from the broader language prohibiting subsequent deductions or rebates on any account has been made for deductions authorized by section 186(c)(4) of title 29 U.S.C. to accommodate union job targeting programs. Section 186(c)(4) allows employers to deduct union initiation fees, dues and assessments from the wages of employees and remit such amounts to a labor organization, provided that the employer has received a written authorization for each employee on whose account deductions are made. However, this new exception in no way otherwise limits the Secretary of Labor's authority to permit reasonable deductions pursuant to regulations issued under section 2 of the Copeland Act (40 U.S.C. 276c).

Definition of site of work

Subsection (a)(1)(C) of Section 1 of the Act (40 U.S.C. 276a) as amended applies the Act's

requirements to laborers and mechanics employed by the contractor or subcontractor to work directly upon the site of the work, including work at fabrication plants, batch plants, tool yards and other similar facilities that are dedicated exclusively, or nearly so, to the performance of the contract work. This language essentially codifies the Department of Labor's "site of the work" regulations for activities performed by employees of a contractor or subcontractor at facilities dedicated exclusively, or nearly so, to the contract work but which are not located on the project site. The language change does not, however, extend the Act's coverage provisions to previously established fabrication plants, batch plants, tool yards and similar facilities of a contractor, subcontractor or material supplier whose location and continuance in operation are determined wholly without regard to the contract work, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of the contract. These changes nullify the effects of the Court of Appeals decision in *Ball, Ball and Brosamer, Inc.* No. 92-5366, June 10, 1994.

The Act will also apply to laborers and mechanics, including truckdrivers, employed by the contractor or a subcontractor to transport materials, supplies, and equipment to and/or from the site of the work including between the actual construction location and fabrication plants, batch plants, tool yards or similar facilities that are dedicated exclusively, or nearly so, to construction of the project. This language essentially reinstates the Department of Labor's long-standing rule covering truck drivers employed by contractors and subcontractors who haul materials and supplies to or from a Davis-Bacon covered site. The language change does not, however, extend the Act's provisions to truckdrivers employed by a bona-fide material supplier or bona-fide independent trucking company, when hired by contractors or subcontractors, if the truck drivers are transporting materials or supplies to the site of the work from a previously established permanent facility. These changes nullify the effects of the Court of Appeals decision in *Building and Construction Trades Department, AFL-CIO v. United States Department of Labor*, 932 F. 2d 985 (D.C. Cir. 1991) but not the Court of Claims decision in *H. B. Zachry Co. v. United States*, 170 Ct. Cl. 115, 344 F. 2d 352 (1965).

Covered contracts

Subsection (b)(1) of section 1 of the Act (40 U.S.C. 276a) as amended replaces the current single coverage threshold of \$2,000 with a threshold of \$100,000 for contracts for new construction, complete rehabilitation or reconstruction (including painting and decorating) of public buildings and public works, and a \$50,000 threshold for contracts for repairs and/or alterations (including painting and decorating) of public buildings and works.

The thresholds are established solely for purposes of determining whether the statute applies to projects and are not determinative of the nature of projects for wage determination purposes. Thus, separate wage schedules need not be developed or issued for new construction, rehabilitation or reconstruction versus repair and alteration.

In defining the terms the Secretary shall consider the term "new construction" to mean the initial construction of any building or work or the initial construction of an addition or extension to an existing building or work (e.g., adding a new wing or additional floors to an existing building). The term

"complete rehabilitation or reconstruction" shall be defined to mean the complete renovation, rehabilitation or reconstruction of an existing building or work.

Subsection (b)(2) of section 1 of the Act (40 U.S.C. 276a) as amended applies to contracts to which the United States or District of Columbia is a party for the new construction, complete rehabilitation or reconstruction of any building or work which is so constructed, rehabilitated or reconstructed for lease to, and in preparation for occupancy and use by, the United States or the District of Columbia where such contract provides for an average annual rental in excess of \$100,000, provided, that any use of the building or work other than by the United States or the District of Columbia will be functionally or quantitatively incidental to the Government's use and occupancy. Where the building to be constructed will be occupied by tenants other than the Government, the construction of the building would be covered only if the use by the other tenants would be functionally or quantitatively incidental to the Government's use. In other words, the tenants' use would be functionally incidental if it served the Government or its employees—e.g., physical fitness or other athletic facilities, child care centers, credit unions, retail space such as cafeterias, restaurants or dry cleaners. The other tenants' use would be incidental in a quantitative sense if it were a relatively small proportion of the usable space, in relation to the space leased to the Government. It is anticipated that regulations of the Secretary will set clearer parameters for these criteria.

The Act will not apply to repairs or alterations, including painting and decorating, of any leased buildings or works performed by the lessor within the general scope and under the terms and conditions of the lease. Repairs and alterations performed by the lessor which are within the general scope of the lease are those which should be regarded as fairly and reasonably within the contemplation of the parties when the lease was entered into. Construction or repairs and alterations, including painting and decorating, that fall outside the general scope of the lease, even if they are performed by the lessor under a supplemental agreement to the lease, would be treated as a new procurement subject to the Act if the criteria in subsection (b)(1) of the Act are met. The principles of Federal procurement law will apply in determining whether work is outside the general scope of the lease contract.

Subsection (b)(3) of section 1 of the Act (40 U.S.C. 276a) as amended applies prospectively to new enacted statutes that provide Federal assistance unless exempted or otherwise limited by Federal law if the amount of Federal assistance provided for the project exceeded \$100,000 for new construction or \$50,000 for repairs and alterations.

Subsection (b)(4) of section 1 of the Act (40 U.S.C. 276a), as amended, provides a mechanism for periodic (every 5 years) adjustments of the threshold based on inflation.

Subsection (b)(5) of section 1 of the Act (40 U.S.C. 276a) as amended prohibits splitting contracts to avoid the threshold.

Subsection (b)(6) of section 1 of the Act (40 U.S.C. 276a) as amended deals with preemption and makes it clear that application of the Act would not preempt requirements of State or local laws related to the payment of wages. Contractors would have to comply with Davis-Bacon and State or local laws unless compliance with State or local law would make it impossible to comply with Federal law in which case the Contractor would comply with Federal law.

Enforcement

Section 3 of the Act (40 U.S.C. 276a-2(a)) is retitled and revised to enhance the enforcement provisions by: (1) establishing provisions for the Secretary of Labor to review an agency determination regarding the applicability of the Act to particular contracts; (2) providing for liquidated damages in an amount equal to the amount of unpaid wages for willful violations; (3) specifically authorizing the Secretary of Labor to bring action against the contractor, the contractor's sureties or other responsible parties for payment of wages; (4) providing for funds withheld to be placed in an interest bearing account until disposition of the funds is administratively or judicially resolved; (5) authorizing the Secretary of Labor to pay laborers and mechanics directly from funds withheld under contracts; (6) authorizing the Secretary of Labor instead of the Comptroller General to debar contractors for violations of the Act; (7) providing for listing of debarred parties on the Governmentwide list maintained by the General Services Administration; and (8) providing laborers and mechanics a private right of action. Such actions will be filed in United States District Court. The private right of action provision allows for the Court to provide for payment of reasonable attorney's fee to be paid by the defendant and the cost of the action.

SECTION 3—AMENDMENTS TO THE COPELAND ACT

Section 3 amends the Copeland Act to eliminate the current requirement for submission of weekly payroll data on all covered contracts of \$100,000 or less (repair and alteration contracts over \$50,000). For contract in excess of \$100,000 (to be adjusted every 5 years to reflect inflation) the frequency for submission of weekly payroll data is changed from weekly to monthly. In addition, the Act is amended to provide for the Secretary of Labor to issue regulations which will provide procedures for waiving the requirement for monthly payroll data submission for contractors or subcontractors with a demonstrated history of compliance. These changes will significantly benefit the procurement community by reducing the flow of paper to the contracting agencies and reduce the paperwork burden on contractors and subcontractors. Contractors will, however, be required to certify with each payment request submitted to the contracting agency that employees have been properly compensated and that their payrolls, either maintained or submitted, are correct.

Section 3 also amends the Copeland Act to enhance the enforcement mechanisms by (1) requiring the contractor to maintain records for a period of 3 years after completion of the contract, (2) providing for suspension of all payments under the contract for failure to submit payroll and related records upon request by the contracting officer or a representative of the Secretary of Labor, (3) providing the Secretary of Labor authority to subpoena testimony and the production of payroll records, and (4) establishing a penalty of not to exceed \$25,000 or imprisonment for not more than one year, or both for submission of false payroll records.

In addition, the Copeland Act is amended to provide for release of monthly payroll statements, excepting social security information, by any department, agency, or contracting authority which is required by law, regulations or terms of a contract or grant to maintain a record of such statement.

SECTION 4—AMENDMENT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Section 4 amends the Contract Work Hours and Safety Standards Act to provide for the

Secretary of Labor rather than the Comptroller General to initiate debarment action for violations of the Act and for the submission of information on debarments to the General Services Administration (GSA) for inclusion on the Governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. This change will provide for uniformity with other labor laws with respect to the process for withholding and disbursing funds to employees, for debarring violators, and for disseminating information on debarment actions. It will reduce costs by cutting out the Comptroller General. Uniformity in procedures under the various labor laws simplifies matters for contractors, procuring agencies and the Department of Labor. It also resolves possible constitutional issues regarding the role of the Comptroller General.

SECTION 5—SERVICE CONTRACT ACT

Section 5 amends the Service Contract Act by eliminating the current 5 year limitation on the period of a contract while retaining the provision for incorporating updated wage determinations in multiyear contracts at least every two years. It also amends the Act to provide for the Secretary of Labor to debar contractors for violations and for use of the Governmentwide list maintained by GSA to disseminate information on debarment actions.

SECTION 6—EFFECTIVE DATE

Section 6 establishes the effective date of the amendments to the various labor laws.

OFFICE OF MANAGEMENT

AND BUDGET,

Washington, DC, July 26, 1994.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a legislative proposal entitled the "Federal Acquisition Labor Law Improvement Act of 1994." A sectional analysis is also enclosed.

The Administration continues to support the basic protections provided by the Davis-Bacon Act. At the same time, the National Performance Review (NPR) highlighted the need to streamline Davis-Bacon requirements as they apply to Federal procurement. For example, the NPR recommended reducing burdensome reporting requirements and increasing the onerous low threshold for the Act's coverage, which has remained unchanged since 1935. Davis-Bacon streamlining will produce administrative savings and reduce burdens on small construction contractors doing business with the Government.

The Administration has developed a balanced package of Davis-Bacon reforms, which would achieve streamlining without undercutting the wages of construction workers. The enclosed legislative proposal:

Raises the threshold for coverage from \$2,000 to \$100,000 for new construction and from \$2,000 to \$50,000 for repairs and alterations.

Eliminates more than three quarters of contractors' reporting requirements.

Prospectively applies Davis-Bacon to federally assisted construction (unless Congress votes otherwise) and introduces an automatic inflation adjustment to the coverage threshold.

To keep the package balanced, (1) restores traditional Department of Labor policies (recently overturned in court) regarding the definition of the worksite for the purposes of coverage, and (2) establishes a worker-initiated remedy for Davis-Bacon enforcement.

Provides a statutory standard for the coverage of Davis-Bacon in cases of leased construction. The need for such a standard has become more urgent given the recent ruling of the Department of Justice that Davis-Bacon can cover leased buildings.

This legislative proposal provides a significant opportunity for the first reform of the Davis-Bacon Act in many decades. I urge its prompt and favorable consideration by the Congress.

Sincerely,

Alice M. Rivlin,
Acting Director.●

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2329. A bill to settle certain Indian land claims within the State of Connecticut, and for other purposes; to the Committee on Indian Affairs.

THE MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

● Mr. DODD. Mr. President, I introduce the Mohegan Nation of Connecticut Land Claims Settlement Act of 1994. I am joined in this effort by my good friend and colleague, Senator JOSEPH LIEBERMAN.

This legislation can be described as the final leg of a journey that began in Colonial times. It was then that white settlers in the Colony of Connecticut first encountered and befriended the Mohegan Tribe, a band of Indians that dwelled primarily in what is now New London County along the banks of the Thames River. Regrettably, in a scenario that has become all too familiar in the annals of the history of United States-Native American relations, the Mohegans ultimately paid a severe price for their willingness to cooperate with the Europeans. They were eventually forced onto a reservation, only to find the boundaries of that land shrink steadily over time.

Three hundred years later, descendants of the Mohegans still reside in eastern Connecticut, living and working side-by-side with descendants of the original Europeans.

And after a lengthy and complicated process, the modern-day Mohegan Tribe has succeeded in documenting their historical and genealogical linkages with the original tribe and have satisfied the requirements necessary to achieve Federal recognition. I commend the tribe for persevering on the administrative recognition process. Challenging though it may be, the Mohegan experience illustrates that the administrative process does work, and ought to be followed.

It remains for the Congress, however, to enact legislation to extinguish any pending Mohegan land claims. Though most of these claims were filed prior to the establishment of the Federal recognition process, they continue to cloud land titles in Connecticut to this day.

The legislation I am about to introduce extinguishes those pending land claims. This is an important step—not just for the tribe, but for the citizens of

Montville as well. Homeowners, many of whom have been living with clouded titles for a dozen years or more, will finally have peace of mind when they go to sell or refinance their property.

In addition to the extinguishment provisions, the bill authorizes the Secretary of the Interior to accept lands to be taken into trust by the United States for the Mohegan Tribe, so that they may establish a reservation. Finally, the legislation paves the way for implementation of a pair of underlying agreements that the Mohegan Tribe has negotiated with the State of Connecticut and the town of Montville, CT, respectively.

With regard to those agreements, I am pleased that the tribe has made the effort to sit down with their non-Indian neighbors and work out agreements that address the legitimate concerns of those citizens. These groups have been and will continue to be neighbors for a very long time, and it is in everyone's interest to start off on the right foot. To be sure, the future endeavors of the Mohegan Tribe will have an impact on the other residents of the town of Montville, and by establishing a cooperative relationship at this juncture, the prospect for continued mutual respect and collaboration is greatly enhanced.

These agreements would not have come about without the concerted efforts of Mohegan Chief Ralph Sturges and Mayor Wayne Scott of Montville. I commend them both for sitting down and forging a positive relationship.

I also want to acknowledge the efforts of my colleague in the House of Representatives, Congressman SAM GEJDENSON, who introduced this measure in the House. I look forward to working with him and my colleagues in the Senate to enact this legislation.●

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, and Mr. JEFFORDS):

S. 2330. A bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes; to the Committee on Veterans' Affairs.

VA COMPENSATION FOR UNDIAGNOSED ILLNESSES

● Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am introducing today S. 2330, a bill to amend title 38, United States Code, to clarify that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to service-connected disability compensation from the Department of Veterans Affairs. I am enormously

pleased that all members of the Committee on Veterans' Affairs have joined me as original cosponsors of this important measure. They are ranking minority member MURKOWSKI and Senators DECONCINI, MITCHELL, GRAHAM, AKAKA, DASCHLE, CAMPBELL, THURMOND, SIMPSON, SPECTER, and JEFFORDS.

Mr. President, this bill would clarify the authority of the Department of Veterans Affairs to pay service-connected disability compensation to veterans who are clearly disabled as the result of illnesses that cannot be diagnosed. The necessity for this measure has arisen with respect to compensation for Persian Gulf war veterans.

Mr. President, I first express my deep concern about the Department's failure thus far to compensate certain Persian Gulf war veterans who should already be compensated. This problem is the direct result of VA's refusal to grant service connection to those veterans with clearly disabling conditions who do not have a diagnosable illness which VA will recognize as meeting the definition of "disease."

Mr. President, since their service in the Persian Gulf theater of operations, many members of the U.S. Armed Forces have experienced serious, unexplained health problems that many suspect are related to their in-theater service before, during, or after the war. A small number also have experienced specific health problems that clearly are related to this service, such as leishmaniasis, which results from infection by a known tropical parasite.

In the past year or so, there has been a great deal of attention paid to the mysterious illnesses experienced by Persian Gulf veterans. Veterans and active-duty servicemembers have reported chronic symptoms such as joint pain, debilitating fatigue, hair loss, impaired memory, and skin rashes. Often, these afflictions are broadly referred to as "Persian Gulf Syndrome" or "Gulf War Syndrome." Whatever their source or cause, these symptoms have led to varying degrees of disability for numerous veterans.

At first, much of the focus was on the effects of the burning oil from wells in Kuwait set afire by Iraqi troops. More recently, the focus has expanded to include the potential health effects of other chemical exposures during military operations in the Persian Gulf, as well as the experimental drugs and vaccines that were administered to hundreds of thousands of servicemembers.

Congress, VA, and the Department of Defense have taken a number of actions to address the problems facing Persian Gulf veterans. Legislation has required VA and DOD to conduct health examinations and establish registries of Persian Gulf war veterans, in an effort to record and track any health problems. The registries are meant to preserve information about

these troops that could prove vital in assessing the health impact of the various exposures in the Gulf. The examinations and registries are intended to give the Federal Government an opportunity to observe and monitor the health of these veterans, in an effort to allow for valid, long-term, scientific study of these reported medical problems—without immediately reaching any conclusions about specific conditions or mandating any particular studies.

Congress also required VA and DOD to seek to enter into a contract with the National Academy of Sciences' Medical Follow-Up Agency [MFUA] to review the existing scientific, medical, and other information on the health consequences of military service in the Persian Gulf theater of operations. Under this provision, MFUA also would assess the effectiveness of efforts by VA and DOD to collect and maintain information potentially useful for assessing these health consequences. Finally, MFUA would evaluate and recommend whether there is a scientific basis for VA and DOD to undertake an epidemiological study or studies, and, if so, what types of studies would be appropriate.

In April 1994, the National Institutes of Health held a workshop on the health effects of service in the Persian Gulf. This workshop was cosponsored by VA, DOD, and other Federal agencies. Unfortunately, the experts on the panel did not have sufficient information to draw conclusions about the causes of the symptoms being experienced by Persian Gulf war veterans.

Mr. President, while all of these actions are being taken, there are many veterans who continue to suffer from disabilities resulting from their Persian Gulf service, yet nevertheless remain uncompensated.

VA maintains that current law does not authorize the Department to compensate any veterans who do not have diagnosable illnesses—even if symptoms first showed up during service. VA will not award compensation because there is no diagnosis of a defined disease on the veteran's medical examination report.

Mr. President, sections 1110 and 1131 of title 38, United States Code, state that the Federal Government will pay compensation for a disability resulting from personal injury suffered or disease contracted in line of duty * * *. Nothing in the law requires that a disability must consist of a specific diagnosed condition in order to be awarded service connection and subsequently rated for purposes of determining the amount of the compensation payment. The requirement of a diagnosed condition is one imposed by VA for purposes of adjudicating claims for service-connected disability compensation. This may be convenient for VA, but it is not a requirement of the law.

I simply cannot understand why VA takes the position it does concerning compensation for Persian Gulf veterans, particularly in light of the Department's duty, under section 1154 of title 38, to resolve every reasonable doubt in favor of combat veterans and generally to apply the "reasonable doubt doctrine" in every case, under section 3.102 of title 38, Code of Federal Regulations.

Mr. President, I remain firm in the belief that the Department has sufficient legal authority under existing law to fully remedy this situation. The full membership of the Committee on Veterans' Affairs shares this view, as reflected in a June 9, 1994, letter from all members of the Committee to Secretary of Veterans Affairs, Jesse Brown, in which we urged him to take action to compensate Persian Gulf veterans without delay. Nevertheless, correspondence and discussions over the past few weeks between the Committee and VA have indicated that the Department remains unconvinced of this authority. Therefore, legislation is required.

Mr. President, this bill is intended to solve this stalemate by affirming VA's authority to pay compensation for a disability that happens to result from an illness that has no defined diagnosis. This bill would afford a broad approach to addressing the problem of compensation for Persian Gulf veterans. Because it would affirm VA's general authority related to service connection for disabilities, it would apply to all veterans with chronic, undiagnosed illnesses, not only to Persian Gulf veterans.

Mr. President, this bill would amend sections 1110 and 1131 of title 38 to clarify that the term "disease" for purposes of eligibility for disability compensation includes undiagnosed illnesses. The bill also would amend section 1154 of title 38 to require that VA regulations governing the determination of service connection include consideration of any military experiences or medical symptoms that a veteran may have in common with other veterans whose service was similar to the veteran's. For example, in the case of Persian Gulf veterans, VA would be required to take into consideration the similarity of the constellation of medical symptoms suffered by so many Persian Gulf veterans. Such similarities, while not explained, must be attributed to more than mere coincidence and these veterans must be given the benefit of the doubt.

Mr. President, section 1101 of title 38 sets out a list of specific chronic diseases that may be service-connected on a presumptive basis under section 1112(a) if they show up within a year after the veteran leaves service. Section 1101 also gives the Secretary authority to establish presumptive service connection for such other chronic diseases as the Secretary may add to

this list. The clarification of current law contained in the measure introduced today, along with the provision in section 1101 that allows the Secretary to add chronic diseases to the list, would provide the Secretary with all the tools needed to compensate Persian Gulf veterans for undiagnosed illnesses.

Mr. President, I regret that this situation requires a legislative remedy. However, I strongly believe this measure is the appropriate action to take if the Department will not correct this problem on its own. This bill would provide clarification of VA's existing authority to award service connection for disabilities resulting from undiagnosed conditions, without expanding or changing that authority. Of the various legislative options available, I believe this is the preferable approach because it avoids micromanagement of the Department by Congress, and validates VA's authority to make decisions concerning service connection for specific conditions.

Congress should not be in the business of legislating service connection for every new disease that results from service in particular wars or military conflicts. This measure leaves the discretion for such decisions to VA, where it rightfully belongs. Only when VA fails to act properly in carrying out its obligations with respect to compensating veterans for service-related disabilities should Congress step in and take some corrective action.

This measure will not resolve all of the problems faced by Persian Gulf veterans. There are still many unanswered questions concerning the health effects of the chemical exposures in the Persian Gulf and whether conditions that take a longer time to show up can be connected to Persian Gulf service. However, as it has been noted previously in this debate, we will have to wait for the scientific and medical evidence to provide us with answers. In the meantime, VA can and should be acting with respect to at least some of the affected veterans. This bill will ensure that VA is able to do just that.

Mr. President, my hope is that we can enact this measure quickly, so that VA can begin to compensate all veterans who are suffering from undiagnosed, service-connected conditions that have left them severely disabled. These deserving veterans should not be penalized simply because their diseases have no name. They are sick because of their military service, and therefore should receive compensation from the Government they served so bravely.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF RELATIONSHIP BETWEEN UNDIAGNOSED ILLNESS AND DISEASE FOR PURPOSES OF ENTITLEMENT TO DISABILITY COMPENSATION.

(a) **WARTIME DISABILITY COMPENSATION.**—Section 1110 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "For disability"; and

(2) by adding at the end the following:

"(b) For the purposes of this section, the term 'disease', in the case of an individual, means any deviation from or interruption of the normal structure or function of any part, organ, or system of the body of the individual that is manifested by a symptom or sign (or symptoms or signs) the etiology, pathology, and prognosis for which is known or unknown."

(b) **PEACETIME DISABILITY COMPENSATION.**—Section 1131 of such title is amended—

(1) by inserting "(a)" before "For disability"; and

(2) by adding at the end the following:

"(b) For the purposes of this section, the term 'disease', in the case of an individual, means any deviation from or interruption of the normal structure or function of any part, organ, or system of the body of the individual that is manifested by a symptom or sign (or symptoms or signs) the etiology, pathology, and prognosis for which is known or unknown."

(c) **CONSIDERATION OF CIRCUMSTANCES OF SERVICE.**—Subsection (a) of section 1154 of such title is amended to read as follows:

"(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following provisions:

"(1) Additional provisions requiring that due consideration be given in each case where a veteran is seeking service-connection for a disability and where such consideration might materially assist the veteran in establishing such service-connection to—

"(A) the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the official history of each organization in which the veteran served, such veteran's medical records, and all pertinent medical and lay evidence; and

"(B) the common or shared experiences, medical symptoms or signs, or both, of other veterans (including groups of veterans) who—

"(i) were engaged in service similar to the service of such veteran; and

"(ii) exhibit, or have exhibited since such service, medical symptoms or signs similar to the medical symptoms or signs of such veteran.

"(2) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note)."

• **Mr. MURKOWSKI.** Mr. President, as Senator ROCKEFELLER has outlined in his statement, the legislation being introduced today reaffirms the authority of the Department of Veterans Affairs [VA] to compensate Persian Gulf veterans who suffer illnesses which physicians and scientists do not yet fully understand. As the ranking minority member of the Senate Veterans' Affairs Committee, I speak on this legislation with mixed feelings.

Certainly, I am committed to the principle that Persian Gulf veterans

who suffer mysterious maladies must receive the compensation to which they are entitled. Equally, I am committed to the principle that Persian Gulf veterans who are ill must receive compensation now—even though medical professionals, scientists, and VA officials have not yet been able to agree on the "diagnostic codes" into which they might cubbyhole the very real maladies which, all now seem to agree, some Persian Gulf veterans are suffering.

In light of my commitment to Persian Gulf veterans, I am pleased to join Senator ROCKEFELLER in cosponsoring this legislation. I am pleased, as well, to be able to say that all of the Republican members of the committee have joined in cosponsoring this bill.

As I have stated however, I do have mixed feelings about this legislation because I think it is unnecessary, and I think VA delay while waiting for unnecessary legislation is unconscionable. The members of the Senate Veterans' Affairs Committee are of the unanimous view, as expressed in a letter to VA dated June 6, 1994, that the VA already has authority to compensate Persian Gulf veterans. Senator ROCKEFELLER and I reaffirmed our view, in a letter published in the July 13, 1994 edition of the Washington Post, that the existence of Persian Gulf ailments—not their cause, diagnosis or scientific name—is what matters when it comes to the issue of whether Persian Gulf veterans should be compensated. In that letter, Senator ROCKEFELLER and I said that "it doesn't matter if the cause of the [Persian Gulf] health problem is a toxin, a virus, a psychosomatic reaction to the stress of deployment or of combat or forever unknown. If a veteran went over healthy and came back sick, the VA's mandate is, to paraphrase Abraham Lincoln, to care for those who have borne the battle."

In my view, Mr. President, VA has lost sight of this fundamental tenet. The fact that VA may not yet fully understand gulf war illnesses is not a good reason for denying compensation. Nor should the fact that medical science has not yet developed "diagnostic codes" by which it might label Persian Gulf illnesses. "Diagnostic codes," to my way of thinking, are mere administrative conveniences under which doctors can classify sick persons. The existence of "diagnostic codes" is not a necessary prerequisite to a medical finding those persons are, in fact, sick. The fact that a Persian Gulf veteran came back from the gulf sick—not the label we attach to that sickness—is what matters. No amount of legal hairsplitting ought to distract us, or the VA, from that fundamental fact.

Unfortunately, Mr. President, the committee has not succeeded in persuading VA that the scope of its cur-

rent legal authority allows it to proceed. No practical purpose would be served in further arguing the point with VA, since VA lawyers have apparently convinced the Secretary of Veterans Affairs that he cannot take decisive action without legislation. Thus, Senator ROCKEFELLER and I—supported by a bipartisan coalition of Veterans' Affairs committee members—offer this legislation today. We request the support of our colleagues, noting that the bill will grant to VA clear and unmistakable—and generic—authority to determine in the future which diseases and conditions ought to give rise to compensation. It will thereby get Congress out of the business of making such determinations on a disease by disease basis.

Mr. President, I ask unanimous consent that the texts of the two letters I have mentioned in this statement—a letter to the Secretary of Veterans Affairs, dated June 6, 1994, and a letter to the Washington Post, dated June 29, 1994, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, June 9, 1994.

Hon. JESSE BROWN,
Secretary of Veterans Affairs, Washington, DC.

DEAR JESSE: We are deeply concerned about the Department's failure to adequately meet the needs of Persian Gulf War veterans, a goal we know you share. This problem is the direct result of VA's refusal to grant service connection to those veterans with clearly disabling conditions but for whom VA has not made, or recognized, a diagnosis which VA considers adequate to meet the regulatory definition of disability or disease.

We strongly believe that the Department has sufficient legal authority under existing law to fully remedy this shortcoming, and urge you to do so without delay.

We have received information indicating there are a significant number of Persian Gulf veterans who allege service connection based on exposure to environmental hazards in the Persian Gulf, and there is no question that the veteran is disabled. However, VA will not award compensation because it lacks a diagnostic code to place on the medical examination report. There simply is no excuse for this.

We applaud your support for legislation that would require VA to pay compensation to Persian Gulf veterans who suffer from a chronic disability resulting from an undiagnosed illness if the disability manifested itself to a degree of at least 10 percent within 2 years after the veteran left Southwest Asia. However, we nevertheless maintain that you do not need additional legislative authority to provide compensation to those veterans who are clearly disabled.

Section 1110 of title 38, United States Code, states that the federal government will pay compensation for a "disability resulting from personal injury suffered or disease contracted in line of duty. . . ." Nothing in the law requires that a "disability" must consist of a diagnosed condition in order to be awarded service connection and subsequently rated for purposes of determining the

amount of the compensation payment. The regulatory requirement of a diagnosed condition is one imposed by VA for purposes of adjudicating claims for service-connected disability compensation. While it may be a matter of convenience to VA, it is not a requirement of the law.

We are at a loss to understand why VA would take the position it does with respect to these claims, in light of VA's obligation under section 1154 of title 38, to resolve every reasonable doubt in favor of combat veterans and generally to apply the "reasonable doubt doctrine" in every case under section 3.102 of title 38, Code of Federal Regulations.

Whether VA takes action to provide compensation to Persian Gulf War veterans on an administrative basis or under new legislative authority, there will be cost implications. We are interested in your views on how VA proposes to achieve the necessary savings to offset the cost of an approach such as in H.R. 4386, which we understand VA estimates will be \$15 million per year.

Mr. Secretary, we know that you are thoroughly committed to providing every possible assistance to the veterans of this most recent war. The issue we have raised certainly provides an opportunity to show this generation of American veterans that the government that sent them to the Persian Gulf stands ready and willing to make sure they get the benefits they have earned through their service. We urge you to look into this issue personally and get back to us as soon as possible.

Sincerely,
Jay Rockefeller,
Ben Nighthorse Campbell,
Daniel K. Akaka,
Frank H. Murkowski,
George Mitchell,
Al Simpson,
Bob Graham,
Dennis DeConcini,
Tom Daschle,
Jim Jeffords,
Arlen Specter.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, June 29, 1994.

THE EDITOR,
The Washington Post, Washington, DC.

DEAR EDITOR: Jim Schnabel, in his column headlined "Band-wagon Syndrome", missed the point on disability compensation for veterans.

By law, VA is mandated to compensate for diseases or injuries which are either incurred or aggravated during active duty. The cause of the illness is irrelevant. In the case of "Persian Gulf Syndrome", it doesn't matter if the cause of the health problem is a toxin, a virus, a psychosomatic reaction to the stress of deployment or combat, or forever unknown. If a veteran went over healthy and came back sick, VA's mandate is, to paraphrase Abraham Lincoln, to care for those who have borne the battle.

That is why we are astonished at VA's refusal to compensate disabled Persian Gulf veterans unless forced to do so by the Congress.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.
FRANK H. MURKOWSKI,
Ranking Member.
Minority Member.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1026

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1026, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 1513

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1513, a bill entitled "Improving America's Schools Act of 1993."

S. 1746

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1746, a bill to establish a youth development grant program, and for other purposes.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2073, a bill to designate the U.S. courthouse that is scheduled to be constructed in Concord, NH, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2255

At the request of Mr. GORTON, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2255, a bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of

Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security equivalent benefit account.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arizona [Mr. MCCAIN], the Senator from Nevada [Mr. BRYAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. EXON], the Senator from Virginia [Mr. WARNER], the Senator from California [Mrs. FEINSTEIN], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. ROBB], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. GREGG, the names of the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 72, a concurrent resolution expressing the sense of the Congress that the President should refrain from signing the seabed mining agreement relating to the Convention on the Law of the Sea.

SENATE RESOLUTION 70

At the request of Mr. MURKOWSKI, his name was withdrawn as a cosponsor of

Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE CONCURRENT RESOLUTION 73—RELATIVE TO THE JAPANESE FOOD AGENCY

Mrs. FEINSTEIN (for herself, Mr. BREAUX, Mrs. BOXER, Mr. PRYOR, Mr. BUMPERS, and Mr. JOHNSTON) submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. RES. 73

Expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice.

Whereas due to severe weather conditions during the summer of 1993, Japan found its rice supply to be disastrously short, and thus was forced to announce the establishment of an emergency program to import rice during 1993 and 1994;

Whereas the Japanese Food Agency initiated an emergency program to import approximately 2,650,000 metric tons of rice during 1993 and 1994;

Whereas the Japanese Food Agency reached a good faith agreement with United States Government officials and representatives of the United States rice industry to purchase 644,000 metric tons of United States rice as part of the emergency program;

Whereas the United States rice industry undertook extraordinary measures, including buying back inventory already sold to other customers, to ensure that 644,000 metric tons of United States rice was available for shipment to Japan;

Whereas the Japanese Food Agency announced in June 1994 that it had terminated the emergency program, notwithstanding that 75,000 metric tons of United States rice reserved for export to Japan under the good faith agreement remained to be shipped;

Whereas the Japanese Food Agency refuses to honor its commitment to purchase the remaining 75,000 metric tons of United States rice despite repeated overtures from United States Government officials and representatives of the rice industry;

Whereas the remaining 75,000 metric tons of rice represent a relatively small quantity of rice to Japan, but a highly significant one to the United States rice industry, with an economic impact of over \$45,000,000;

Whereas if the 75,000 metric tons of rice remain unsold to the Japanese Food Agency, the carryover of this quantity from the 1993 crop year to the 1994 crop year will cause the United States season average farm price for rice to decline by \$.36 per hundredweight in 1994, and by \$.17 per hundredweight in 1995;

Whereas these declines in price would equate to a loss in farm revenue of \$56,200,000 in 1994 and \$30,800,000 in 1995, for a combined loss of \$87,000,000;

Whereas the United States Government and the United States rice industry have worked diligently and exhaustively to establish an open trade relationship with the Government of Japan;

Whereas the failure of the Japanese Food Agency to purchase the remaining 75,000

metric tons of United States rice directly contravenes a good faith agreement between the Japanese Food Agency and the United States rice industry and thereby places in jeopardy other such agreements reached between the United States and Japan; and

Whereas this action by the Japanese Food Agency damages the prospect for future trade relations between the United States and Japan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States—

(1) strongly disapproves of the decision of the Japanese Food Agency to renege on its good faith agreement to purchase 75,000 metric tons of rice from the United States rice industry;

(2) express its grave concern about the future of trade relations between the United States and Japan in light of the failure of the Japanese Food Agency to honor an agreement made in good faith with United States Government officials and representatives of the rice industry;

(3) strongly urges the Government of Japan to fulfill expeditiously its commitment to purchase the remaining 75,000 metric tons of United States rice; and

(4) strongly encourages the President of the United States to take all steps necessary to conclude the purchase of the remaining 75,000 metric tons of United States rice that has been reserved for purchase by the Japanese Food Agency.

Mrs. FEINSTEIN. Mr. President, I rise to submit a resolution expressing congressional disapproval of the decision of the Japanese Food Agency to renege on its agreement to purchase 75,000 metric tons of rice from the United States. The measure is identical to the resolution Congressman VIC FAZIO is submitting today in the House.

For many years, the Japanese market has been closed to American rice as Japan has sought to protect its own rice industry. Japan's decades-old ban of imported rice has been one of the most egregious examples of unfair trade.

Last year, however, Japan had a disastrously short crop due to bad weather and was forced to establish an emergency program to import foreign rice. Japan's emergency program called for the importation of approximately 2,650,000 metric tons of rice in 1993 and 1994. Most importantly for the United States, the Japanese Food Agency reached an agreement with United States Government officials and representatives of the United States rice industry to purchase 644,000 metric tons of United States rice.

Now the Japanese Food Agency has backed off on fulfilling that commitment. Last month the Japanese Food Agency announced that it was terminating its emergency program to purchase foreign rice immediately. This announcement means Japan is not purchasing 75,000 metric tons of United States rice that it had already agreed to buy. Moreover, the United States is the only country affected by the announcement.

Mr. President, this is a very significant matter for the U.S. rice industry,

with an economic impact of over \$45 million. The United States rice industry undertook extraordinary measures, including buying back rice already sold to other customers, in order to ensure that 644,000 metric tons of United States rice would be available for shipment to Japan. I am advised that if the 75,000 metric tons of rice remain unsold, the carryover of this quantity from the 1993 crop year to the 1994 crop year will cause the U.S. average farm price for rice to decline by 36 cents per hundredweight in 1994 and by 17 cents per hundredweight in 1995. This equates to a loss of \$56.2 million in farm revenue in 1994 and \$30.8 million in 1995—a total loss of \$87 million in farm revenue.

I believe our Government must take a strong stand and ensure that the Japanese follow through on the original agreement. The resolution I am submitting today calls for firm action. Specifically, the resolution:

Strongly disapproves of the decision of the Japanese Food Agency to renege on its good faith agreement to purchase 75,000 metric tons of rice from the United States rice industry;

Expresses grave concern about the future of our trading relationship with Japan in light of the Japanese Food Agency's failure to honor the agreement;

Strongly urges the Government of Japan to fulfill its commitment to purchase 75,000 metric tons of rice from the United States rice industry; and

Strongly encourages the President to take all steps necessary to conclude the purchase of the remaining 75,000 metric tons of rice that have been reserved for purchase by the Japanese Food Agency.

AMENDMENTS SUBMITTED

IMPROVING AMERICA'S SCHOOLS ACT OF 1993

DOMENICI (AND OTHERS) AMENDMENT NO. 2414

Mr. DOMENICI (for himself, Mr. DODD, Ms. MIKULSKI, Mr. DORGAN, and Mr. PELL) proposed an amendment to the bill (S. 1513) entitled "Improving America's Schools Act of 1993"; as follows:

On page 1035, between lines 11 and 12, insert the following:

"PART P—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT

"SEC. 8901. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more

than a total of \$1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 \$6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.

"(a) REQUIREMENT.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PARTNERSHIPS.—Each State educational agency desiring a grant under this part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when

the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"SEC. 8904. ELEMENTS OF CHARACTER.

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

"SEC. 8905. USE OF FUNDS.

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

"SEC. 8906. SELECTION OF GRANTEES.

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

KASSEBAUM AMENDMENT NO. 2415

Mrs. KASSEBAUM proposed an amendment to the bill S. 1513, supra; as follows:

On page 1165, between lines 21 and 22, insert the following:

SEC. 10607. SCHOOL PRAYER.

Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

**HELMS (AND OTHERS)
AMENDMENT NO. 2416**

Mr. HELMS (for himself, Mr. LOTT, Mr. THURMOND, and Mr. NICKLES) proposed an amendment to the bill S. 1513, supra; as follows:

At the appropriate place, add the following:

SEC. . PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any

more than \$500, from any provider chosen by the parents that the State, in accordance with regulations prescribed by the Secretary, determines is capable of providing such services and has an appropriate refund policy.

"(3) THIRD.—Third—

"(A) If the child attends a public choice school, any remaining funds shall be made available to such school to enable such school to conduct educational programs that help students at such school achieve high levels of academic excellence; or

"(B) If the child attends a private choice school, any remaining funds shall be made available to the State to enable the State to award additional scholarships under this title in that year or the succeeding year of the State's program.

"SEC. 1709. REQUIREMENTS.

"(a) EFFECT ON OTHER PROGRAMS.—

"(1) IN GENERAL.—Eligible children participating in a demonstration project under this title, who, in the absence of such project, would have received services under part A of title I of this Act shall be provided such services.

"(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this title shall be construed to affect the applicability or requirements of part B of the Individuals with Disabilities Education Act.

"(b) COUNTING OF CHILDREN.—Notwithstanding any other provision of law, for purposes of receiving funds under any program administered by the Secretary, any school participating in a demonstration project under this title may count eligible children who, in the absence of such project, would attend such school.

"(c) INFORMATION.—Notwithstanding section 9 of the National School Lunch Act, a State receiving a grant under this title may use information collected for the purpose of determining eligibility for free or reduced price meals to determine a child's eligibility to participate in a demonstration project under this title. All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this title.

"(d) SPECIAL RULES.—

"(1) ASSISTANCE TO FAMILIES NOT INSTITUTIONS.—Scholarships under this title shall be considered to be aid to families, not institutions. A parent's expenditure of scholarship funds at a choice school or for supplementary academic services under this title shall not be construed to be Federal financial aid or assistance to that school or to the provider of those supplementary academic services.

"(2) ANTIDISCRIMINATION PROVISIONS.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraph (1), in order to receive scholarship funds under this title a choice school or provider of academic services under this title shall comply with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), section 901 of the Education Amendments of 1972 (20 U.S.C. 1681), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(B) IMPLEMENTING REGULATIONS REQUIRED.—The Secretary shall promulgate regulations to implement the provisions of this paragraph, taking into account the purposes of this title and the nature, variety, and missions of choice schools and providers that may participate in providing services to children under this title.

"(e) CONSIDERATION OF FEDERAL FUNDS PROHIBITED.—No Federal, State, or local agency may, in any fiscal year, take into account Federal funds provided to a State or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to the choice school attended by such child.

"(f) STATE LAW.—Nothing in this title shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any State from paying the administrative costs of a program under this title or providing any Federal funds received under this title to parents for use at a religious or other private institution.

"(g) SECRETARY.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program assisted under this title.

"(h) CONSTRUCTION.—Nothing in this title shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this title.

"SEC. 1710. PARENTAL NOTIFICATION.

Each State receiving a grant under this title shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served. At a minimum, such notice shall—

"(1) describe the demonstration project;

"(2) describe the eligibility requirements for participation;

"(3) describe the information needed to establish a child's eligibility for participation in the demonstration project;

"(4) describe the selection procedures to be used if the number of eligible children seeking to participate exceeds the number that can be accommodated;

"(5) provide a list of violence-prone schools located in the State; and

"(6) include the schedule for parents to apply for their children to participate.

"SEC. 1711. EVALUATION.

From funds reserved under section 02(b), the Secretary shall conduct a national evaluation of the activities assisted under this title. Such evaluation shall, at a minimum—

"(1) assess the implementation of projects assisted under this title and such projects' effect on the participants, schools, and communities served under this title, including the degree of parental involvement in, and satisfaction with, the project and their children's education; and

"(2)(A) evaluate the educational achievement of eligible children who participate in the projects assisted under this title, during the periods—

"(i) before the provision of scholarship assistance under this title;

"(ii) during such provision; and

"(iii) after such provision; and

"(B) compare such achievement with such achievement, during comparable periods, of similar children who do not so participate.

"SEC. 1712. REPORTS.

"(a) REPORT BY GRANT RECIPIENT.—Each State receiving a grant under this title shall submit an annual report to the Secretary, at such time, in such manner, and containing

such information as the Secretary may require.

"(b) REPORT BY SECRETARY.—

"(1) IN GENERAL.—The Secretary shall report annually to the President and the President shall report annually to the Congress on the progress of the demonstration projects assisted under this title, including information submitted by each State receiving a grant under this title and from other sources.

"(2) SUBMISSION.—The Secretary shall submit a report to the President and the President shall submit a report to the Congress on the national evaluation described in section 1711 within 9 months after the conclusion of the demonstration projects assisted under this title.

"SEC. 1713. ENFORCEMENT.

"(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

"(b) PRIVATE CAUSE OF ACTION PROHIBITED.—No provision or requirement of this title shall be enforced through a private cause of action."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public a change in a hearing scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

In addition to receiving testimony on S. 2259 and S. 2236, the subcommittee will also receive testimony on S. 2319, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

The hearing will take place on Thursday, August 4, 1994 at 2 p.m. in room 366 of the Dirksen Senate Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebrén Cooper, counsel for the subcommittee at 202-224-4531 or Leslie Palmer at 202-224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 27, 1994, at 3 p.m. in executive session, to discuss matters

related to the conference with the House on the fiscal year 1995 National Defense Authorization Act and to discuss certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 27, 1994, at 10 a.m., to continue considering its recommendations for legislation to implement the Uruguay round of multilateral trade negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 27, at 10 a.m. to hold a nomination hearing on Ralph Earle, II, of the District of Columbia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 27, at 2:30 p.m. to receive a closed briefing on the status of Negotiations on Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, July 27, 1994, at 9:30 a.m. for a hearing on the subject: "Drug Pricing: Poor Prescription for Consumers and Taxpayers?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, July 27, 1994. The Committee will hold a full committee hearing on the implementation of Public Law 100-656, the "Business Opportunity Reform Act of 1988" and the final report of the Commission on Minority Business Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 27, 1994, to receive testimony on the following bills: S. 2253, to modify the mountain park project in Oklahoma, and for

other purposes; S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STARS OF ENERGY EFFICIENCY

• Mr. BINGAMAN. Mr. President, on June 15, 1994, the Alliance to Save Energy, a bipartisan coalition of Government, environmental, and business leaders that I chair and that Senator JEFFORDS and Congressman SHARP co-chair, presented its annual awards to three "Stars of Energy Efficiency." Pacific Gas and Electric Co. received the 1994 Energy Efficiency Award for two decades of leadership in energy efficiency programs. Our colleague Representative PHILIP SHARP of Indiana, chairman of the House Energy and Power Subcommittee, received the award for his career-long commitment to energy efficiency, which culminated in his successful effort to make energy efficiency the cornerstone of the Energy Policy Act of 1992.

The Alliance presented its final award to Maurice Strong, chairman and CEO of Ontario Hydro, for his many years of pioneering effort to ensure that energy efficiency would be a key part of global energy and environmental activities. Among his many other accomplishments, Mr. Strong served as Secretary-General of the U.N. Conference on Environment and Development—the Earth summit—in Rio de Janeiro in 1992, which placed energy efficiency at the forefront of a global effort to reverse environmental degradation and promote sustainable development.

In accepting this prestigious and important award, Mr. Strong clearly profiled the challenges facing the global economy and environment. I would like to share Mr. Strong's enlightening remarks with my colleagues.

The remarks follow:

ENERGY AND THE ENVIRONMENT

(By Maurice F. Strong)

Thank you very much, Katie. And profound thanks also to the Alliance to Save Energy. I am deeply moved by, and grateful for, your high compliment in awarding me one of this year's Energy Efficiency Awards—all the more so because I share this year's honors with such distinguished company as Rep. Sharp of Indiana and the Pacific Gas and Electric Company.

May I also pay tribute to Senators Charles Percy, Tim Wirth and Jeff Bingaman, who were among the earliest to recognize the vital need for energy efficiency, and who have done so much to make this Alliance such a powerful influence in the business sector of this country. Finally, I would like to recognize Bill Nitze, a great champion of sustainable development and mainstay of this organization.

Indeed, I see many familiar faces here tonight, and I would like to single them all out. Instead, let me just say that I accept this distinguished award as a tribute to them, and all the others with whom I have had a privilege of working on behalf of the Earth's environment over the years.

I am sure that most of these old friends will vouch for me when I say that I am not one of those somewhat dubious prophets who hang around street corners with a sign reading "The End Is Nigh." If I truly believed that, I wouldn't waste your time and my breath here tonight. I'd probably be out near a lake somewhere, enjoying what was left of nature.

But I DO believe that humankind is at one of the most critical cross-roads in its history. And I DO believe that time is running out for us all to make some very fundamental changes in the way in which we conduct ourselves—in particular, the ways in which we use the Earth's resources—and most notably, its energy resources.

I am not alone in this belief. Nor have the threats I speak of only recently come to light. Let me quote a famous statesman on the subject:

"To waste and destroy our natural resources—to skin and exhaust the land instead of using it so as to increase its usefulness—will result in undermining for our children the very prosperity which we ought by right to hand down to them amplified and developed."

Now, that statesman was Theodore Roosevelt. And his warning—just as timely today—was given a century ago. He was talking about the need—and indeed the duty—of the industrialized world to embrace policies of sustainable economic development—many, many decades before the term itself was invented.

The world's population in his day was about one and a half billion. It is now more than 5 billion, and in the two decades alone the number of people on this planet has increased by an amount equal to the total in Teddy's Roosevelt's time. Last year the net increase in our numbers was 90 million. We are adding the equivalent of one New York City to the Earth every month.

There is now overwhelming evidence that the industrialized world cannot continue in its historical patterns of production and consumption—that it cannot forge ahead indefinitely on the path of profligacy in its use of the Earth's resources—either for its own sake or for the sake of the myriad others who have not yet experienced the luxury of waste.

This realization prompted the United Nations General Assembly to convene the Conference on Environment and Development, the Earth Summit of Rio de Janeiro, in June of 1992. Studies undertaken for UNCED made clear not only that the ecological consequences of our economic behavior were worsening, but also that rich/poor disparities within and between nations were deepening.

Last fall, the report of the World Energy Council's Commission on Energy for Tomorrow's World supplied more evidence. Among the important points it made was that energy issues will shift from the industrialized to the developing world within the next three decades, and that the latter's proportion of world-wide energy consumption will rise to 55 percent from 33 percent in the same period. Among the many severe challenges identified was the requirement for investment of about \$30 trillion (US) in the expansion of existing energy systems and technologies by the year 2020—50 percent more

than the current total world GDP! What's more, "Energy for Tomorrow's World" not only maintained that the target of stabilizing global anthropogenic CO₂ emissions at the 1990 level by the year 2020 is virtually unattainable, but says there is a strong possibility that atmospheric CO₂ concentrations will continue to rise "for many decades to come."

But there is also evidence that circumstances are beginning to bring about changes in energy consumption patterns, even without a grand strategy or concerted conservation policies.

In a book called "Vital Signs 1993," Lester Brown describes the 1990s as the "decade of discontinuity." It is an era, he says, in which long-standing upward growth curves for production of such key economic commodities as grain, steel and coal have suddenly reversed.

World coal production, which had risen annually and almost without interruption since the beginning of the Industrial Revolution, declined in 1990—then again in 1991 and 1992. World oil output peaked even earlier—in 1979. Only the relatively clean-burning natural gas is expanding in production.

These reversals in historical trends may well be temporary and result from environmental constraints in industrialized countries. Intolerable air pollution in such cities as Los Angeles, Mexico City and some European centers has put a brake on the unrestrained growth of automobile use. Acid rain, health concerns, and the more recently acknowledged threat to the ozone layer, have curtailed the world's use of coal. But the fossil fuel era is far from over. Coal may not be the fuel of choice, but it is still the fuel most likely to be used in countries like China and India, which have rapidly growing energy needs and extensive coal reserves.

It is true that a growing environmental consciousness in recent years has produced discernible improvements throughout the industrialized world in what I call the "close-in" problems. Toxic emissions to air, land and water have in many cases been reduced, and important changes in manufacturing processes have reduced raw materials and energy use per unit of production.

With the coming into force of the Climate Change Convention, and the Biodiversity Convention approved at Rio, we have taken some important first steps to come to grips with two of the most threatening and intractable global risks. But they are only first steps. Indeed, there is a danger that the process of negotiating the protocols required to give real substance and "bite" to these framework conventions will now lag. It must not be allowed to do so.

Moreover, too little attention has been given to the area of environment-development relationships in the policies and practices of governments and industries. The growing awareness and concern over the past two decades has been accompanied by the establishment of environmental ministries and agencies by virtually all governments, and this has of course produced a proliferation of regulations. But these activities have not typically been linked to, and have had little effect on, national economic policies or the fundamental policies and practices of the major sectoral industries that are the principal sources of environmental impacts. Regulation is necessary, but experience has shown that its effects can be limited, and even sometimes counter-productive, if it is not accompanied by changes in fiscal policies and provide positive incentives for environmentally sound and sustainable development.

We are still approaching the problem, to too great an extent, from the wrong end. Last year, a paper from Arthur D. Little's Centre for Environmental Assurance said that industry in North America and Europe is spending more than \$150 billion per year on pollution abatement and control—the so-called "end-of-the-pipe" remedies—and that this figure will likely double by the end of the century. Despite these enormous outlays, companies are still not meeting society's demands. In other words, we have been busy applied very expensive Band-aids to our industrial infrastructure while the environment, the natural resources, and the health and welfare of human beings in much of the developing countries have been hemorrhaging.

The prospect of a massive increase in Third World energy consumption over the next 30 years boldly underlines a point I have been making since before Rio. That is that the industrialized world must reduce its environmental impacts in order to leave "space" for developing countries to begin to fulfill their own development needs and aspirations. The Earth simply cannot sustain another traumatic round of undisciplined growth, a repeat of the unthinking exploitation that marked the first industrial revolution—and which, to an alarming extent, continues.

A crucially important priority—which makes as much sense economically as it does environmentally—is energy efficiency. PG&E, the Sacramento Municipal Utility District under David Freeman, and the New England Electric System under John Rowe, have been pioneers in recognizing that those of us in the energy industries—and in particular the electrical utility sector—have an enormous potential in helping our customers cut their energy use—and thereby cut their costs and increase their competitiveness. The Electric Power Research Institute in the United States has estimated that electricity use in that country could be reduced by as much as 55 percent through cost-effective measures. Others think that is a conservative estimate. While most electric utilities today have some sort of demand management program in place, I believe we are still just on the threshold of potential savings.

There is a similar potential in the transportation field—particularly in the United States and Canada, which account for more than a third of the world's private cars. A study for the National Academy of Sciences in the U.S. judged that straightforward technological improvements—using existing light-weight materials, for example—could make vehicles 50 percent more efficient, and save about two million barrels of oil per day. That saving is more than the U.S. imports from the Persian Gulf. On this front, it was very encouraging to learn of President Clinton's recent initiative on light-weight cars, but this too can only be viewed as a modest step in the right direction.

What is needed, as the Business Council on Sustainable Development advocated to the Earth Summit, is a decisive change of course. As Ed Woolard, the CEO of DuPont and 60 other Chief Executive Officers of some of the world's leading corporations said in their contribution to our Earth Summit preparations, "The present industrial civilization is simply not viable." It's simply not viable.

Now those aren't wild-eyed environmentalists or placard-wavers, any more than I am. Those are some of the most astute and experienced business leaders of our times.

As I have said, fossil fuels will be with us for a long time yet. We are admittedly un-

dergoing changes in our fuel mix, but it is still a very traditional mix. The World Energy Council predicts that by the year 2020, our two countries will be using 21 percent less coal, but only two percent less oil. And these reductions will be all but offset by a forecast 21 percent increase in our use of natural gas. Viewed in isolation, this would seem to augur for somewhat cleaner air. But in the same period, developing countries on the Pacific Rim, South Asia, Africa, the Middle East and Latin America will increase their coal consumption by factors of up to two-and-one-half times—resulting in a net global increase in coalburning of 31 percent. Blue skies and reduced greenhouse gas emissions are not yet in prospect, at least worldwide.

The period ahead will continue to be characterized by pressures to reduce the role of coal and oil, but in fact it will take quite some time to do this. And while natural gas is emerging as the fuel of choice within the fossil fuel complex, this can only be regarded as a transitional adjustment rather than a permanent solution. Even with the adjustments I have mentioned, we have still not got anything like a viable, environmentally sound, economically feasible energy mix on which we can rely for our energy future.

An essential second step is to reflect in our energy prices the full external costs of producing it. As long as our energy prices remain at current low levels—particularly in North America, and even more particularly in the United States—there is little incentive to develop alternatives to our dependence on either fossil fuels or on nuclear energy. Energy prices still tend to be pegged to oil prices, and low prices—coupled, in the United States, with low taxes on gasoline—provide no short-term encouragement to conserve. Ultimately, we will need higher prices, and this would occur if they reflected their true total cost—not only the costs of capital, exploration, development, production and delivery—but also the environmental costs incurred in each of these stages.

I am pleased to say that my own company, Ontario Hydro, is in the process of adopting full cost accounting as a guide to its decision making. While we will not be able unilaterally to incorporate full environmental costs into our rate structure, we hope that our example will help to accelerate the process of full cost accounting by society as a whole.

The third step—and I do not mean to imply that these steps are sequential, or that one need be completed before another is undertaken—the third step is a fundamental revision in the system of incentives and penalties by which governments motivate the conduct of citizens and corporations. In general terms, this means providing positive incentives for environmentally sound and sustainable practices, products and services, together with penalties as a deterrent to unsound behavior. This also needs to be accompanied by full cost accounting at the national accounting level as well as business levels. It is, after all, fully consistent with the principles of market economics that the price of all products and transactions should incorporate their full real cost.

And, speaking of consistency, one of the more intractable myths surrounding this whole matter of sustainable development is that energy efficiency costs more than it's worth, and that conservation is somehow a recipe for slow growth or no growth. The experience of industrialized countries, notably Japan, has demonstrated that environmental improvement and efficiency in the use of energy and resources is fully compatible with,

and indeed contributes to, good economic performance.

As Katie McGinty said, a healthy economy and a healthy environment go hand-in-hand. I am encouraged to note that the Alliance has joined with the U.S. Agency for International Development to promote energy efficiency in Europe and Mexico as part of the Sustainable Cities Project. I see great promise, too, in the Alliance's collaboration with other energy NGOs to help the Department of Energy promote exports of energy-efficient products and services.

Energy is the fulcrum of the relationship between the environment and the economy. Virtually every environmental issue—from a local dump site to the deterioration of the global climate—has an energy component. This gives those of us in the energy industry a special responsibility to lead the process of transition to sustainable economy. And I might add that for me and my fellow Canadians, that responsibility is heightened by the fact that we are the most energy self-indulgent nation in the world, even allowing for the vastness of our geography and our cold climate.

Every sector of the North American economy is faced with the need to effect a massive restructuring to ensure that we can continue to compete in an increasingly competitive and interdependent, global economy. Our own company had undergone a massive restructuring, cost-reduction program as the first step in reshaping the organization to live up to the new corporate goal which Katie McGinty mentioned. It's an ambitious goal—yes. Some might even say pretentious. But we deliberately wanted to set a high standard for our own performance—and perhaps even to throw down a gauntlet to other utilities and other energy players in other jurisdictions.

I might just say here that we at Ontario Hydro recognized the leadership role of PG&E a year before the Alliance. We did this just over a year ago by hiring its former Manager of Energy Efficiency Services, John Fox. He is Managing Director of our Energy Services and Environment Group, the Hydro branch that will play the key role in helping us to achieve our efficiency objectives. I am happy to note also that John is a director of this Alliance.

We have recently received the report of an internal Task Force on Sustainable Energy Development, with a series of recommendations responding to the global Agenda 21 adopted by governments at last year's Earth Summit in Rio de Janeiro. We are determined to make Ontario Hydro, as the largest company in Ontario and a major factor in the Ontario economy, a much more active and positive force for revitalizing the economy, helping to make it more competitive and setting the primary example of sustainable energy development. Energy efficiency is our highest priority. And our first challenge is to set an example ourselves.

It's amazing what you discover when you change your perspective. Our Sustainable Energy Development Task Force pointed out that Ontario Hydro is its own best and worst customer. Best because we use in our system 50 per cent more electricity than the entire City of Toronto. Worst because we didn't pay for it. It was treated as a free good in our own internal economy. That might have made good sense at one time but no more! We are changing that—charging our own business units on the same basis that we charge our customers. This way we expect to get more energy efficiency and better business decisions.

And the stakes are high. We estimate that we can save at least 800 megawatts just by using energy more efficiently within the corporation. It is like finding another Niagara Falls we didn't know we had. And not only do we NOT have to build a generating station to get the power—we hope to produce additional savings, or revenue, of some half-a-billion dollars per year.

I am sure that all of the organizations that many of you represent could find, to varying degrees, similar savings, and that some of you are already doing this. We have been working with our own customers to help them to use our product more efficiently, and many of them have offset rate increases to a significant degree by becoming more efficient in their use of energy. And what better example could the energy sector set for the nations in which they operate, and for the world as a whole, than for each company to commit itself to a process of self-examination and development of its own Agenda 21 while at the same time encouraging and working with its customers to improve their energy efficiency.

While this may seem counter-productive to companies, like our own, which have substantial surpluses of capacity and declining revenue, I maintain that it still makes sound economic sense. If our economy is to be competitive, our customers must be competitive and energy efficiency will make an important, and in some cases decisive contribution to their competitiveness. Helping them to become more competitive through energy efficiency may reduce their purchases from us in the short term, but will make them sounder, more secure customers in the longer term, provide an incentive for them to expand and, at the same time, help to put our own economies on a more sound, more sustainable basis.

This will not be easy; nor does it seem timely when the pressure of recession and competition are most acute. But I believe that these changes are imperative in both economic and environmental terms and that this period of change is precisely the right time to effect these changes. Waiting until what may seem a more propitious moment would, in my view, exact heavy costs, both in terms of our own organizations and our economies as a whole.

The dilemma facing the energy industry illustrates graphically the main theme of the Earth Summit and the principal challenge we all confront in giving effect to its conclusions—the need for fundamental changes in our economic life through a full integration of the environmental dimension in economic policies, decision making and behaviour.

In the final analysis, the role of industry in effecting this transition will be pivotal. The Business Council on Sustainable Development made it clear in its report to the Earth Summit that eco-efficiency is the key to the new generation of industrial opportunity—efficiency in the use of energy and resources, and in the prevention, disposal and re-cycling of waste.

The economic growth of developing countries, if it proceeds in the traditional mode, will soon overtake industrialized countries as the principal source of global environmental impacts. An already discernible shift in the focus of energy production and energy markets to the developing world underlines this perilous potential. These developments would increase risks to dangerous levels the world community cannot afford to accept. Yet the right of developing countries to grow cannot be denied; nor can it be constrained by conditions unilaterally imposed by the industrialized countries.

We must lighten our demands on the Earth's resources, and reduce our impacts on Earth's environment. This will require basic changes in current patterns of production and consumption and a transition to an efficiency-driven, eco-industrial economy, based on much greater efficiency in the use of energy and materials as well as in the prevention, disposal and recycling of waste. It must be accompanied by expanded support for developing countries in effecting their transition to sustainable modes of development and to increased access to financial resources, technology, and the international trading system that this will entail.

This new eco-industrial economy really implies a new industrial revolution—not some comprehensive patching-up of our old political and economic systems. Today's world cannot be re-tooled with yesterday's blue-prints. Today's problems cannot be solved with yesterday's conventional wisdom.

Is there, then, any basis for confidence that we can rise to the challenge? Despite the persuasive case for pessimism, I remain convinced that we can do it. The reason is that we must do it or civilization will degenerate into chaos, conflict and continued degradation of the environment. Pessimism would be self-fulfilling. As long as there is the slightest chance that we can make the transition to a more secure and sustainable way of life on our planet, we must continue to strive for it.

Throughout history, nations have demonstrated their willingness to devote the resources, establish the alliances and make the sacrifices required to confront risks to their security. Today the people and nations of the world are joined as never before in facing the greatest ever threat to their common security—the threat to the capacity of our planet to sustain life as we know it and the accompanying risks of economic, political and social breakdown. Only by forging a new global alliance, embracing north, south, east, west, rich and poor, can this challenge be met effectively. The agreements reached at the Earth Summit—the Declaration of Rio and Agenda 21—provide the foundations for the launching of this new alliance.

But in the final analysis, it is only through our practical actions and the examples we set in our lives as businessmen, community leaders and citizens that our hopes for a more secure, sustainable future will be realized.

TRIBUTE TO DAVID JONES

• Mr. McCONNELL. Mr. President, I rise today to recognize a brilliant Kentucky businessman. David A. Jones is the chairman and chief executive officer of the Louisville-based Humana, Inc., and the chairman of the Healthcare Leadership Council.

David A. Jones is a Yale-educated lawyer who started out practicing law in Louisville, KY. He became involved in healthcare in 1961 when a friend told him about making some extra money by investing in a nursing home. He decided to give it a try and what started out as a bit of extra money became his career. The nursing home venture grew into Humana, Inc., the Nation's largest publicly traded health maintenance organization [HMO].

The Healthcare Leadership Council is a nationwide coalition of a variety of

parties interested in healthcare reform. It includes leaders from hospitals; insurance, pharmaceutical, and medical equipment companies; and doctors and nurses. Since it was begun in the late 1980's, the council has worked to find solutions to the healthcare problems that we face today and has come up with variety of possibilities.

In a recent column for the Louisville Courier-Journal, David Jones outlines the ideas that he has come up with. As we prepare to begin debating healthcare reform next week, I believe that every Member of this body could benefit from a thorough review of this article. Please enter the following article from the Courier-Journal into the RECORD.

The article follows:

REFORMING HEALTH CARE

HUMANA CHIEF OFFERS HIS PROPOSALS FOR CHANGE

(By David A. Jones)

The writer is chairman and chief executive officer of Humana Inc., the Louisville-based corporation which is the nation's largest publicly-traded Health Maintenance Organization (HMO).

Health care reform is today a major domestic political issue. The status quo is without a serious defender. That's as it should be. The time has come for fundamental change.

Democrats and Republicans agree that we have serious problems of (a) rising costs; (b) access, especially by an estimated 37 million uninsured Americans; and (c) anxiety on the part of many workers that they might become uninsured if they lose their job, or change their job after they or a family member become ill.

But there is some disagreement on what needs to be done to solve the agreed-upon problems.

This [article] contributes to the debate in three critical ways: It identifies the problems; suggests solutions; and, more important, describes a reasonable way to pay for the solutions.

Actual and potential problems of access to affordable health care are the visible symptom of the underlying problem, which is rapidly rising costs. If costs were lower, and more easily affordable, we could readily expand coverage to cure the access problem.

All of us, providers and consumers alike, will have to alter our behavior to a greater or lesser extent if the cost crisis is to be mastered.

It is now possible to identify the well-intentioned policy choices of the past, whose now visible flaws have led to the present cost crisis.

Happily, the root causes of our excess cost increases—increases greater than those experienced by competing industrialized nations—are both crystal clear and readily correctable, if we can summon the political will to act.

But that won't be easy, because every dollar of cost in our system is someone else's dollar of revenue, fiercely protected.

These root causes are two simple, connected historical events. No congressional votes were taken, and participants did not even realize that they were making policy choices of great magnitude.

The first event occurred in World War II, when wages were frozen by the Office of Price Stabilization. Labor-short firms began

offering health insurance as a fringe benefit not prohibited by the wage freeze.

The second event occurred just after WW II, when the Internal Revenue Service ruled that such employer-provided health insurance would, without limit, be free of federal income and Social Security tax.

Thus, it is pure accident that most of us receive our health insurance through employment, and stand to lose it if we lose or change our jobs. Our other insurance, such as life, homeowners, and automobile, are totally unaffected by such change.

Such policy is as irrational as it is accidental. It's really policy by default—leading to enormous "hidden" cost burdens within our health care system.

The tax subsidy created by the IRS ruling largely benefits the well-to-do, and amounted to about \$75 billion in 1991 (\$66.6 billion federal and \$8.3 billion state), and the federal portion is now estimated at about \$92 billion for 1993. This is about six times the estimated cost to provide Medicaid coverage to the approximately 12 million Americans who live below the poverty line, but are still not covered by Medicaid. Moreover, 26 percent of this tax subsidy goes to families with annual incomes in excess of \$75,000, while only 6 percent goes to those with incomes under \$20,000, so it is deeply regressive.

And this gigantic subsidy disguises, by seeming to minimize, the actual cost of health care services, thereby artificially and greatly stimulating demand.

The third-party payment system created by employer-paid health insurance coverage is an even larger stimulator of demand and excess cost. When a patient and a health care provider negotiate, neither is concerned with costs, which are to be paid by some vague third party—perhaps an employer, an insurance company, or government. So they concentrate only on benefits.

The provider is thus often able to define quantity and price of chosen services, while the patient, filled with anxiety and lacking expertise, normally accepts the provider's recommendation.

Interestingly, the patient is largely unaware that proffered services, for example, diagnostic imaging, may actually be owned by the referring provider. In that case, as reported in the Dec. 6, 1990, New England Journal of Medicine, the cost of such "captive" imaging services is 4.4 to 7.5 times greater than if the referral is to a neutral, non-owned site.

Thus, to recapitulate, these two factors constitute the basic, root causes of the excess costs of our health care system:

1. A third-party payment system which allows interested providers to define the scope, price and source of recommended services to an anxious, dependent, somewhat unknowledgeable patient at the expense of an unrepresented third party.

2. And a \$75 billion tax subsidy which stimulates excess demand by seemingly lowering health care prices.

Armed with this knowledge, and several simple but critical reforms, we can formulate a strategy to make affordable health insurance available to the three main groups now lacking such coverage. They are:

1. Middle-class Americans who work for themselves or in a small group where someone has a family member with a pre-existing medical condition, which prevents their purchase of reasonably priced health insurance.

These individuals can usually afford to pay for an average-priced policy, but when coverage is available at all, it costs \$500 to \$1,000 more per person per month.

The solution to this problem, with which most Members of Congress agree (and which a number of States have already embraced), is insurance reform, which requires: (A) Guaranteed issue, but with a six-month waiting period for pre-existing conditions. Otherwise, no one would buy insurance until after becoming ill. (B) Guaranteed renewal. (C) Portability. (D) No underwriting based on health or employment status.

In addition to these long overdue insurance reforms, there is a need to create a vehicle that enables individuals and small groups to join together in groups large enough to attract highly competitive bids from many insurers.

Voluntary purchasing cooperatives, whose functions are limited to obtaining and distributing information on price and quality, and the matching of buyers and sellers, admirably fill the role of enabling individuals and small groups to buy at the same price as large groups.

2. The poor and near-poor—even with insurance reform and purchasing co-ops to help make insurance affordable, there are among us many who simply can't afford the premiums.

For those who live below the poverty line, yet are not covered by Medicaid, a full subsidy will be needed. Income-based, sliding-scale subsidies will also be needed for the near-poor, perhaps up to 200 percent or 250 percent of the poverty level.

While all agree that our most disadvantaged citizens need access to primary and preventive services, rather than having to depend on expensive and overcrowded emergency rooms, there is little agreement on how to pay for such benefits, which are likely to be phased in over several years to ease the pain of needed taxes.

3. Healthy, non-poor employees who do not have health insurance.

The earlier-mentioned voluntary purchasing co-ops will enable these individuals to choose among many plans and to buy at good prices.

Tax laws must be amended, however, so that individual purchasers of health insurance, who now receive only 25 percent deductibility, receive the same tax subsidy as do employees.

The federal Medicare program and the joint federal-state Medicaid program are the two largest contributors to the growth of the federal deficit, and thus primarily responsible for our inability to expand coverage to the poor and near-poor.

President Clinton's plan and most congressional plans contemplate the mainstreaming of Medicaid by allowing and requiring beneficiaries to purchase private coverage through cooperatives. Since the Medicaid program is far more expensive than private coverage, significant savings are likely and, if achieved, can be used to expand the number of poor people covered.

Moreover, there will be greatly enhanced dignity for beneficiaries, who will receive their care from the same doctors and hospitals used by working Americans.

Medicare, an even larger contributor to the growth of budget deficits, has been exempted from the market-based reforms of the Clinton plan, because of the feared political clout of these beneficiaries.

However, no meaningful cost containment can occur unless and until Medicare beneficiaries are allowed and required to select among many competitive bids for covered services, and to pay the extra cost if they select a more expensive plan.

The insurance companies and managed care plans that submit bids serve as surrogate purchasers of health care services for

consumers and provide the necessary counterweight to the third-party payment system, which is largely responsible for excess costs in our system.

Let me offer a simple example. No one of us can negotiate individually with Merck over the price of a prescription, but large systems like Kaiser, Humana and The Harvard Community Health Plan can and do negotiate substantial discounts, which result in lower competitive bids.

A third significant cost generator is our medical malpractice-tort system, which turns unfortunate medical outcomes into a high stakes lottery. Fear of malpractice litigation explains and legitimizes significant, expensive overuse of medical resources. Reform, along the lines enacted years ago in Indiana, is needed throughout the country.

In conclusion, I offer a simple and effective, if controversial way to help pay for coverage of the poor and near-poor, while minimizing incentives for overconsumption of health care services for all.

Tax subsidies should be limited to the average price of several of the most popular health plans within a region. Anyone choosing to spend more on coverage would be free to do so, but no tax deductibility or subsidy would be allowed for the excess cost.

This will reduce the overall tax subsidy, thereby providing significant funds for income-based subsidies, which will help the poor and near-poor gain access to coverage while preserving a full tax subsidy for all who choose to purchase cost-effective health plans. •

APPOINTMENT OF CONFEREES— S. 2182

The PRESIDING OFFICER. The Senate having received a message from the House insisting on its amendment to S. 2182, and requesting a conference thereon, under the order of July 1, 1994, the Senate agrees to the request for conference and the Chair appoints the following conferees.

The Presiding Officer (Mrs. BOXER) appointed Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. SHELBY, Mr. BYRD, Mr. GRAHAM, Mr. ROBB, Mr. LIEBERMAN, Mr. BRYAN, Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON conferees on the part of the Senate.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Thursday, July

28; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized in the order listed, if present and for the time limits specified: Senator GRAHAM for up to 30 minutes; Senator KERREY for up to 30 minutes; Senator GORTON for up to 30 minutes; and Senator GRAMM of Texas, and Senator LEAHY of Vermont, for up to 10 minutes each; that at 10:30 a.m. the Senate resume consideration of S. 1513; further, that on Thursday, the Senate stand in recess from 12 noon until 3 p.m. for the memorial service of the late Hugh Scott, former minority leader of the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:51 p.m., recessed until Thursday, July 28, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1994:

DEPARTMENT OF STATE

DAVID GEORGE NEWTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

DEPARTMENT OF TRANSPORTATION

ANTHONY S. EARL, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE RANDOLPH J. AGLEY, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GARY NILES KIMBLE, OF MONTANA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, (NEW POSITION.)

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADE OF LIEUTENANT (JUNIOR GRADE):

MARK L. EVERETT

EUILL W. LONG III

FOREIGN SERVICES

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA.

DEPARTMENT OF COMMERCE

MAXIMILIAN OLLENDORFF, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

STEWART BALLARD, OF VIRGINIA
EDWARD CANNON, OF FLORIDA
IRA KASOFF, OF CALIFORNIA
RICHARD LENAHAN, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

KEITH CURTIS, OF VIRGINIA
RICHARD ROTHMAN, OF NEW HAMPSHIRE
AMERICO TADEU, OF MARYLAND
ANDREW WYLEGALA, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

BRIAN C. AGGELER, OF THE DISTRICT OF COLUMBIA
SUSAN M. BALL, OF FLORIDA
KRISTEN F. BAUER, OF MASSACHUSETTS
RENE LOUIS BEBEAU, OF VIRGINIA
JOHN KYLE BOICE, OF TEXAS
JENNIFER V. BONNER, OF NEW YORK
BARBARA FOULKE CATES, OF MARYLAND
JUNE ELLEN COCHRAN, OF VIRGINIA
KAREN B. DECKER, OF VIRGINIA
JOHN MICHAEL DESMOND, OF COLORADO
KATHLEEN ANN DOHERTY, OF NEW YORK
FELIX ANDREW DOWDY, OF TENNESSEE
DOUGLAS KENT ELLRICH, OF FLORIDA
DALE BLAINE EPPLER, OF WYOMING
JOHN ERATH, OF NEW JERSEY
JOHN D. FEELEY, OF NEW YORK
NINA MARIA FITE, OF PENNSYLVANIA
LISA A. GAMBLE, OF LOUISIANA
BENJAMIN ANDRES GARCIA, OF NEW JERSEY
ROBERT S. GILCHRIST, OF FLORIDA
ERIC F. GREEN, OF MINNESOTA
KRISTIN MARIA HAGERSTROM, OF CALIFORNIA
HENRY HARRISON HAND, OF NEW YORK
WALLIS SPENCER HAYNES, OF VIRGINIA
JEFFREY M. HOVENIER, OF MARYLAND
MARTHA A. HUSTED, OF CALIFORNIA
MELISSA J. KEHOE, OF WASHINGTON
CHRISTOPHER MILES KRAFT, OF VIRGINIA
DANIEL J. LAWTON, OF NEW YORK
BRUCE J. LEVINE, OF NEW YORK
PATRICIA ALICE MAHONEY, OF TEXAS
DANIEL LINAN MARTINEZ, OF TEXAS
JONATHAN MICHAEL MOORE, OF ILLINOIS
CHRISTOPHER MICHAEL O'CONNOR, OF FLORIDA
E. CANDACE PUTNAM, OF VIRGINIA
AVRAHAM RABBY, OF NEW YORK
DAVID HUGH RANK, OF ILLINOIS
MARK DOUGLAS SCHALL, OF ARIZONA
SUSAN MARIE SCHMIDT, OF CALIFORNIA
M. HANSOM SMITH, OF MAINE
MICHAEL G. SNOWDEN, OF CALIFORNIA
DANIEL EMERSON TURNBULL, OF FLORIDA
LISA ANNETTE VICKERS, OF CALIFORNIA
WILLIAM C. WALKER, OF CALIFORNIA

DEPARTMENT OF COMMERCE

BRIAN BRISSON, OF THE DISTRICT OF COLUMBIA

UNITED STATES INFORMATION AGENCY

AMY M. BLISS, OF COLORADO
KATHLEEN JOANNE BRAHNEY, OF VIRGINIA
MARY ELLEN COUNTRYMAN, OF WASHINGTON
PETER ALFRED EISENHAUER, OF WISCONSIN
IN-MI KIM GOSNELL, OF VIRGINIA
LAURA MARLENE GOULD, OF FLORIDA
ALYSON LYNN GRUNDER, OF NEW YORK
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS
PAUL LEONARD OGLESBY, JR., OF ILLINOIS
TAMARA PARSONS PITMAN, OF WASHINGTON
CORINNE E. SMITH, OF NEW YORK
JAMES ALAN WARREN, OF CALIFORNIA
TERRY JOHN WHITE, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MILLARD W. ARNOLD, OF CONNECTICUT
JOSEPH E. ARONHIME, OF VIRGINIA
CHRISTOPHER T. BAKER, OF VIRGINIA
WILLIAM E. BAKER, OF VIRGINIA
THOMAS M. BASSAM, OF VIRGINIA
STEPHEN MARK BEARD, OF VIRGINIA
RENA BITTER, OF TEXAS
ANNA R. BOLINGER, OF VIRGINIA
RICHARD L. BREAW, OF VIRGINIA
MARY JANE WOLANSKY BUSHNAG, OF VIRGINIA
ERIC JOHN CARLSON, OF VIRGINIA
TIMOTHY J. CASEY, OF VIRGINIA
MICHAEL FRANCIS CAVAHUAUGH, OF ILLINOIS
MARGARET ELIZABETH CLARK, OF TEXAS
THOMAS EDWARD COONEY, OF MICHIGAN
THOMAS R. CRABB, OF MISSOURI

LORI PETERSON DANDO, OF MINNESOTA
 DARIA LEIGH DARNELL, OF VIRGINIA
 LYNN DAROCZY, OF PENNSYLVANIA
 NORMAN W. DE CARTERET, JR., OF CALIFORNIA
 GUILLERMO DE LAS HERAS, OF VIRGINIA
 NIDA A. EMMONS, OF ALABAMA
 SUZANNE MICHELLE ERQAT, OF CALIFORNIA
 JEWELL ELIZABETH EVANS, OF MISSISSIPPI
 ROBERT FARMER, OF FLORIDA
 PATRICIA LYNN FIEZT, OF NEW YORK
 JOHN N. GAFFNEY, OF WASHINGTON
 MICHAEL GORDON GARVEY, OF NEW YORK
 MARCELO A. GIGENA, OF CALIFORNIA
 ANTHONY F. GODFREY, OF NEW YORK
 KATHARINA P. GOLLNER-SWEET, OF VIRGINIA
 PATRICIA H.H. GUY, OF FLORIDA
 ADRIENNE LEE HARCHIK, OF VIRGINIA
 BROOK EMERSON HEFRIGHT, OF THE DISTRICT OF COLUMBIA
 DUANE M. HILLEGAS, OF MARYLAND
 WENDY HILTON-JONES, OF VIRGINIA
 MARVIN W. JENSEN, OF CALIFORNIA
 DEBORAH L. JONES, OF VIRGINIA
 ROBERT O. JONES, JR., OF MARYLAND
 SEAN P. KELLEY, OF TENNESSEE
 ATUL KESHAP, OF VIRGINIA
 REBECCA J. KING, OF VIRGINIA
 JIM LOVELAND, OF UTAH
 SAMUEL ANDREW MADSEN, SR., OF VIRGINIA
 LORENZO A. MARTINI, OF VIRGINIA
 BRETT DAMIAN MATTEI, OF CALIFORNIA
 WAYNE AMORY MCDUFFY, OF NEW JERSEY
 DELORES MINERVA MORTIMER, OF MICHIGAN
 VONDA GAY NICHOLS, OF TEXAS
 SHEILA PASKMAN, OF PENNSYLVANIA
 GREGORY C. PATRICK, OF THE DISTRICT OF COLUMBIA
 SARAH LONGMAN PAYNE, OF VERMONT
 THOMAS T. PIERSON, OF VIRGINIA
 KARYN ALLISON POSNER, OF CALIFORNIA
 BRENDA S. QUERRIERA, OF VIRGINIA
 CRAIG THOMAS REILLY, OF PENNSYLVANIA
 JOHN J. RICE, OF THE DISTRICT OF COLUMBIA
 DAVID ALLEN SCHLAERF, OF TEXAS
 LAN N. SCHOFIELD, OF VIRGINIA
 DAVID J. SCONYERS, OF THE DISTRICT OF COLUMBIA
 ROBERT SETTJE, OF SOUTH DAKOTA
 LYNNE P. SKEIRIK, OF MAINE
 TIMOTHY J. SMITH, OF VIRGINIA
 LAUREL ELAINE STEELE, OF CALIFORNIA
 KEVIN DOUGLAS STRINGER, OF TEXAS

GREGORY S. TAEVS, OF CALIFORNIA
 DAVID A. THOMSON, OF ILLINOIS
 BRIAN J. TINDELL, OF ARIZONA
 JO ANNE THERESA WAGNER, OF MISSOURI
 JOHN EDWIN WARNER, JR., OF VIRGINIA
 ALETA FAY WENGER, OF WASHINGTON
 KATHLEEN T. WILLIS, OF VIRGINIA
 JASON NIALI WITOW, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED TO BE EFFECTIVE MARCH 2, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA. CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT H. STRONG, OF FLORIDA

THE FOLLOWING-NAMED PERSON OF THE DEPARTMENT OF STATE, PREVIOUSLY APPOINTED MAY 9, 1994 AS A FOREIGN SERVICE OFFICER OF CLASS FOUR, A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, NOW TO BE EFFECTIVE NOVEMBER 20, 1992:

RICHARD SCOTT SACKS, OF NEW HAMPSHIRE

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be lieutenant colonel

RICHARD W. ATTWOOD xxx-xx-x
 JOHN P. BASILICA, JR. xxx-xx-x
 RICHARD K. BISHOP, JR. xxx-xx-x
 STEVEN L. BROWN xxx-xx-x
 CHARLES R. BRULLE xxx-xx-x
 KEVIN J. CROWLEY xxx-xx-x
 DAVID M. DAVIDSON xxx-xx-x
 DAVID M. DE ARMOND xxx-xx-x
 JOSEPH P. DERDERIAN xxx-xx-x

GARY F. EISCHEID xxx-xx-x
 FERGUSON EVANS xxx-xx-x
 WILLIAM A. FOLEY JR. xxx-xx-x
 RICHARD W. GIRARD xxx-xx-x
 LEON L. HARRELL III xxx-xx-x
 JAMES D. HEAD xxx-xx-x
 GARY L. JONES xxx-xx-x
 JOHN M. KANE, xxx-xx-x
 PHILLIP J. LENNER xxx-xx-x
 DAVID A. LEWIS xxx-xx-x
 FORREST D. MALCOMB xxx-xx-x
 GEORGE H. MALLOY xxx-xx-x
 JEFFREY C. MCCANN xxx-xx-x
 JAMES P. MCDERMOTT xxx-xx-x
 JOHN E. NELSON II xxx-xx-x
 ROBERT W. OLSCHESKY xxx-xx-x
 CALVIN F. PRINCE, JR. xxx-xx-x
 STEVE M. REED xxx-xx-x
 LANCE E. REVO xxx-xx-x
 GLENN K. RIETH xxx-xx-x
 THOMAS S. SHATAVA xxx-xx-x
 PATRICIA A. SHREVE xxx-xx-x
 DAVID R. SMITH xxx-xx-x
 ROBERT E. STAFFORD xxx-xx-x
 JIMMY L. STEWART xxx-xx-x
 LLOYD L. SUTTON xxx-xx-x
 SHERMAN E. TATE xxx-xx-x
 MARGARET S. WASHBURN xxx-xx-x
 PATRICK D. WILSON xxx-xx-x

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

STEPHEN L. DANNER xxx-xx-x
 DAVID S. NISS xxx-xx-x
 JONATHAN D. PELLETIER xxx-xx-x
 GORDON E. WISE, xxx-xx-x

MEDICAL SERVICE CORPS

To be lieutenant colonel

SAMUEL J. HALL xxx-xx-x
 JAMES R. TINKHAM xxx-xx-x

ARMY NURSE CORPS

To be lieutenant colonel

RUTH A. WILCOX xxx-xx-x